

Hamza Mohammed Jama SID#23052443
 Deer Ridge Correctional Institution
 3920 East Ashwood Rd,
 Madras, Oregon 97741

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**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON
 PORTLAND DIVISION**

HAMZA MOHAMMED JAMA

Plaintiff,

v.

FIRST NAME UNKNOWN (FNU) BALL,
 Chaplain, CHRISTOPHER RANDALL,
 Superintendent, HEIDI STEWARD,
 Oregon Department of Corrections, Acting
 Director, DARYL BORELLO, Administrator
 Religious Service, STUART YOUNG, Assistant,
 Administrator Religious Service, F.N.U. Peel, Food
 Service Manager, F.N.U. YBARRA, Grievance
 Coordinator, F.N.U. Vasquez, Correctional
 Officer; JOHN DOE, Correctional Officer, JOHN
 DOE, Correctional Officer, F.N.U. BATTLE,
 ODOC Provider, F.N.U. JONES, Lieutenant,
 F.N.U. Aeshliman, Kitchen Coordinator,
 F.N.U. Ackley, Acting Superintendent:

Defendants,

Civil Case No. 3:23-cv-556 MC
 (to be assigned by Clerk's Office)

CIVIL RIGHTS COMPLAINT

(Claims for deprivation of civil
 rights under 42 U.S.C. § 1983;
 for violation of RLUIPA,
 42 U.S.C. § 2000cc-2)

(Jury Trial Demanded)

INTRODUCTION

Plaintiff, Hamza Mohammed Jama, appearing pro se, is an AIC in the custody of the Oregon Department of Correction ("ODOC"), Plaintiff is currently housed at Deer Ridge Correctional Institution (DRCI), is bringing this suit pursuant to 42 U.S.C. § 1983, against the herein named defendants in their official and individual capacities due to defendant(s) personal involvement in depriving plaintiff of his federal constitutional rights under the First Amendment (Free Exercise Clause, Establishment Clause, and retaliation), the Fourteenth Amendment (equal protection), and

the Eighth Amendment (cruel and unusual punishment). Plaintiff further alleges that defendants violated his rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA). The proffered beliefs are sincerely held and plaintiff claim are rooted in plaintiff's strong religious beliefs. Defendant's infringements are not reasonably related to a legitimate penological interest. Plaintiff is seeking damages and injunctive relief, as described below.

JURISDICTION

This court has jurisdiction under the federal question statutes, 28 U.S.C §§ 1343 & 1343. This court has supplemental jurisdiction over the plaintiff's state law Tort claims under 28 U.S.C § 1367.

PARTIES

1. Plaintiff, Hamza Mohammed Jama, is currently in custody at Deer Ridge Correctional Institution 3920 East Ashwood Road, Madras, Oregon, 97741.
2. Defendant, "First Name Unknown" (FNU) K. Ball, was employed as a Chaplain at DRCI during the event in this complaint. Defendant duties are, A chaplain is defined as a "person employed by ODOC to facilitate and provide religious programming and services to inmates in DOC facilities. Defendant is sued in his individual and official capacity.
3. Defendant, Christopher Randall, was employed as Superintendent at DRCI during the event in this complaint. Defendant duty are under Functional Unit Manager: Any person within the Department of Correction who reports to the Director, an Assistant Director or an Administrator and has responsibility for the delivery of program services or coordination of program operations. In a correctional facility, the functional unit manager is the superintendent. Defendant is sued in his individual and official capacity.
4. Defendant, Heidi Steward, is employed as the Acting Director of Oregon department of corrections at 3723 Fairview Ind Drive SE 200, Salem, Oregon 97302. Defendant is sued in his individual and official capacity.

5. Defendant, Daryl Borello, was employed as Administrator Religious Service at ODOC, Religious Service OSCI Residence 3, 3405 Deer Park Dr. SE Salem, OR 97310 during the event in this complaint. Defendant duty are under Administrator of Religious Services: The Department of Corrections manager assigned responsibility for administering religious programming and services for the Department of Corrections. Defendant is sued in his individual and official capacity.
6. Defendant, Stuart Young, was employed as Assistant Administrator Religious Service at ODOC, Religious Service OSCI Residence 3, 3405 Deer Park Dr. SE Salem, OR 97310 during the event in this complaint. Defendant duty are under Assistant Administrator of Religious Services: The Department of Corrections Administrator of Religious Services assignees responsibility for the Assistant Administrator of Religious Service to provide programming, religious services, and who also manages the department Chaplains for the Department of Corrections. Defendant is sued in his individual and official capacity.
7. Defendant, "First Name Unknown" (FNU) Peel, was employed as Food Service Manager during the event in this complaint. Duty under OAR 291-061-0005 thru 0310 to provide safe food, prevent cross-contamination and ensure sanitary environment. Defendant is sued in his individual and official capacity.
8. Defendant, "First Name Unknown" (FNU) J. Ybarra, was employed as Grievance Coordinator/ Discrimination Coordinator during the event in this complaint. Defendant duty is Grievance Complaint Coordinator: An employee who is assigned by the functional unit manager to review and investigate incidents of perceived grievance. In a DOC facility, the grievance complaint coordinator may also be the Discrimination Coordinator. Defendant is sued in his individual and official capacity.
9. Defendant, "First Name Unknown" (FNU) S. Vasquez, was employed as Correctional Officer at DRCI during the event in this complaint. Defendant duty are under Functional Unit Person:

Any employee, contractor, approved carded volunteer, or other agency liaison assigned to work or provide services at a functional unit facility, also known as Correctional Officer. Defendant is sued in his individual and official capacity.

10. Defendant, "First Name Unknown" (FNU) John Doe, was employed as Correctional Officers at DRCI during the event in this complaint. Defendant duty are under Functional Unit Person: Any employee, contractor, approved carded volunteer, or other agency liaison assigned to work or provide services at a functional unit facility, also known as Correctional Officer. Defendant is sued in his individual and official capacity.
11. Defendant, "First Name Unknown" (FNU) John Doe, was employed as Correctional Officers at DRCI during the event in this complaint. Defendant duty are under Functional Unit Person: Any employee, contractor, approved carded volunteer, or other agency liaison assigned to work or provide services at a functional unit facility, also known as Correctional Officer. Defendant is sued in his individual and official capacity.
12. Defendant, "First Name Unknown" (FNU) Battle, was employed as ODOC Medical Provider at DRCI during the event in this complaint. Defendant is sued in his individual and official capacity.
13. Defendant, "First Name Unknown" (FNU) L. Jones, was employed as Lieutenant at DRCI during the event in this complaint. Defendant duty are under Functional Unit Person: Any employee, contractor, approved carded volunteer, or other agency liaison assigned to work or provide services at a functional unit facility, also known as Correctional Officer. Defendant is sued in his individual and official capacity.
14. Defendant, "First Name Unknown" (FNU) Aeshliman, was employed as Kitchen Coordinator at DRCI during the event in this complaint. Defendant is sued in his individual and official capacity.

15. Defendant, "First Name Unknown" (FNU) Ackley, was employed as Acting Superintendent at DRCI during the event in this complaint. Defendant duty are under Functional Unit Manager: Any person within the Department of Correction who reports to the Director, an Assistant Director or an Administrator and has responsibility for the delivery of program services or coordination of program operations. In a correctional facility, the functional unit manager is the superintendent. Defendant is sued in his individual and official capacity.
16. All defendants acted, and continue to act, under color of state law at all times relevant to this complaint.

FACTS

Plaintiff's Religious Background and Dietary Requirements

17. Plaintiff was born in Ethiopia into an observant Sunni Muslim community, and as such has faithfully observed and practiced his faith for his entire life. The daily practice of faith is manifest in the reading, study, and recitation of the Qur'an, in praying toward the direction of Mecca five (5) times a day, in observation of ritual cleanliness of the person, and in following the Shar'ia requirements to eat only that which is Halal. These requirements are found throughout the Qur'an, two of which are contained in the following verses from chapters five and six.

Islamic Law prescribed by the Qur'an - Translation of the Qur'an (Qur'an, Chapter/ and Verses)

18. Chapter five (5) – al- Ma'idah, Verses 3-4
3. "Forbidden to you (For Food) are: dead animals, blood, the flesh of swine, and that on which has been invoked the name of the other than Allah (swt); that which has been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which has been (partly) eaten by a wild animals, unless you are able to slaughter it (in due form); that which is sacrificed on stone (altars); forbidden also is the division (of meat) by raffling with arrows; that is impiety. This day have those who reject faith given up all hope of your religion:

yet fear them not but fear me. The day have I perfected your religion for you, completed my favor upon you, and have chosen for you Islam as your religion. But if any is forced by hunger, with no inclination of transgression, Allah (swt) is indeed oft forgiving most merciful.”

4. “They ask them what is lawful to them (as food). Say: lawful unto you are (all) things good and pure: and what you have taught the beasts and birds of prey, training them to hunt in the manner directed to you by Allah (swt): Eat what they catch for you, but pronounce the name of Allah (swt) over it: and fear Allah (swt); for Allah (swt) is swift in taking account.”

1. Chapter six (6) – al-An ‘am, Verse 121- “And do not eat that upon which the name of Allah has not been mentioned, for indeed, it is grave disobedience. And indeed, do that devils inspire their allies [among men] to dispute with you. And if you were to obey them indeed, you would be associators [of other with him].

19. Dietary Requirements

1. Islamic Shar’ia law as stated in the Qur’an dictates that only meat that is Halal should be eaten.
2. Islamic Shar’ia law as stated in the Qur’an dictates the manner in which meat is to be slaughtered and prepared in a ritual fashion, such that in accordance with said Shar’ia law to be considered Halal.
3. In accordance with the Islamic Shar’ia laws stated in the Qur’an and the Hadith for a animal to be considered Halal the following condition must be adhered to:
 1. The animal must face the Qiblah, when being slaughtered.
 2. The person who slaughtered the animal must be a Muslim.
 3. The name of Allah must be spoken at the time of the slaughter.
 4. The animal must be slaughter by cutting the animal’s throat with a sharp iron instrument so that the jugular artery and vein, esophagus, and trachea are all cut at the same time.

4. Islamic Shar'ia law as stated in the Qur'an requires Muslims to abstain from eating or having contact with pork, and/or pork by-product, and/or eating any food items that have come into contact with pork or pork by-Products.
5. Islamic Shar'ia law as stated in the Qur'an dictates that Muslims only use utensils which have never been used in the cooking, serving, and consuming pork or pork by-products.
6. Islamic Shar'ia law as stated in the Qur'an requires Muslims to abstain from food items that contain and/or are contaminated with pork and pork by-products; such a gelatin, seasoning, and meat-based fats. However, it is extremely difficult for plaintiff to avoid these prohibited food items and cross-contamination through self-selection because the department of corrections issues menus which occasionally identifies those entrée items that are made of pork, but fails to identify food prepared from pork derivatives such as certain gelatins, seasonings, and meat-based fats.

BACKGROUND FACTS

20. In April of 2021 plaintiff had a conversation with the DRCI Chaplain, Mr. Ball, in his office, where plaintiff requested to be provided Halal meals in accordance with the plaintiff's Islamic practices and beliefs. Mr. Ball responded, "We don't give Halal." Plaintiff asked "what about a Kosher meal?" Mr. Ball asked, "Are you a Jew?" plaintiff responded that he was not a Jew, for the plaintiff is a Muslim of Eastern African Descent. Chaplain Ball responded, "then you can't have it (Kosher)". (*EXHIBIT 1, DISCRIMINATION FORM #DRCM_2021_08_053, PG.3, DATED 8/30/2021*). The nature of this exchange is indicative of discrimination and bias, as bias is implied in the question of whether or not plaintiff is a Jew. This is especially the case in light of the fact that ODOC provides kosher meals to not only observant Jew, but also provides kosher meals to adherents of Christian identity, as well as, other Sabbath observant Christian faiths. Kosher meals are provided to Messianic Jews, whom many Jew do not feel are properly "Jewish". At least one example of an observant Muslim who has received kosher

meals is Rashid Kambarov. In light of this, asking plaintiff if he is Jewish as a litmus test to qualify for kosher meals shows a bias in favor of Jews, and Chaplain Ball's ill disposition toward all other practitioners of other faiths who currently meet the standards for receiving kosher meals, but are not recognized traditionally as Jewish. Furthermore, the question of the plaintiff being a Jew or not as a false litmus test was meant to discourage and burden the plaintiff in the practice of his religion by faithfully adhering to its tenets.

21. On May 8, 2021 the plaintiff submitted by hand to Chaplain Ball a department of corrections "Religious Accommodation Request". The nature of the request was the same one expressed verbally to Chaplain Ball a few weeks prior in April. The request was for Halal meals to be provided as per Oregon Administrator Rule#291-143-0112, (1) "The department will satisfy the special religious dietary needs of inmate....". (2) Requests for inmate religious dietary needs that cannot be satisfied ...will be considered". (*EXHIBIT 2, DEPARTMENT OF CORRECTION RELIGIOUS ACCOMMODATION REQUEST DATED 5/8/2021 WITH ATTACHED OAR#291-143-0112*).
22. On June 7, 2021 plaintiff sent a Kyte requesting to see Chaplain Ball in-person. A couple of days later, plaintiff had a conversation with Mr. Ball in his office. The plaintiff inquired about the status of the Religious Accommodation Request he had submitted the month before. Chaplain Ball reassured the plaintiff that he, "had submitted the request and was waiting for the reply from Salem". (*EXHIBIT 3, KYTE TO CHAPLAIN BALL, DATED 6-7-21*).
23. On July 13, 2021 plaintiff sent a Kyte to Chaplain Ball, wherein the plaintiff raised his concerns over the fact that, by the standards of the plaintiff's Islamic faith, the condition by which the DRCI kitchen handles, prepares, cooks, serves, and distributes food, as well as, the manner in which all cookware, utensils, trays, bowls, and cups etc..... are cleaned is insufficient and inadequate, so as to not to be contaminated by pork and /or pork by-products and is thus ritually unclean. (*EXHIBIT 4, KYTE TO CHAPLAIN BALL, DATED 7/13/21*).

24. On July 14, 2021 plaintiff sent a kyte to acting superintendent, Mr. Ackley, wherein he brought to superintendent Ackley's attention many of the same concerns addressed in the kyte referred to above. (*EXHIBIT 5 KYTE TO CHAPLAIN BALL, DATED 7/13/21*). *EXHIBIT 5, KYTE TO MR. ACKLEY, DATED 7/14/21*). Although this kyte was addressed to Mr. Ackley, it was forwarded to Chaplain Ball who responded, with "surprise" that plaintiff hadn't received any response to his Religious Accommodation Request from Salem. Plaintiff received Chaplain Ball's response on 8/26/2021, to a kyte plaintiff sent on 7/14/2021, and Mr. Ackley told plaintiff at the end of July 2021 it had been forwarded to Chaplain Ball.
25. On August 13, 2021 plaintiff sent a kyte to DRCI food service manager, Ms. Peel, questioning the manner in which items in the kitchen are cleaned and sanitized, so as not to be contaminated by pork or pork by-products, especially as it concerned the preparation of food for the Eid Al-Adha feast that was celebrated on 7/28/21. (*EXHIBIT 6, KYTE SENT TO MS. PEE, DRCI FOOD SERVICE MANAGER, DATED 8/13/21*). Ms. Peel's response to this kyte stated, "Per Stuart Young, ODOC religious service administrator: Cooking pots and pans, serving platters, bowls and dishes, cooking and serving utensils are properly sanitized for each meal". This is a curious assertion, since Assistant Religious Service Administrator "Young" due to his location in Salem, and responsibilities over religious service, is not at the DRCI kitchen; would have no way of knowing whether or not the DRCI kitchen "properly sanitized" the items in question as it relates to pork products. What it does show is Assistance Religious Service Administrator, Mr. Young's involvement in denying plaintiff's request to be offered meals that adhere to the exercise of plaintiff's Islamic beliefs, creating a substantial burden on the plaintiff.
26. On August, 24, 2021 plaintiff sent a Kyte to Chaplain Mr. Ball, wherein the plaintiff reminded Mr. Ball that on 7/15/21, over a month ago, Mr. Ball indicated having an answer, "With 2 weeks +....". At this point a pattern of promise and delay had been established where on May

8, 2021 plaintiff submitted a Religious Accommodation Request, after waiting a month to allow the process to unfold, plaintiff contacted Mr. Ball on June 7, 2021 at which time Mr. Ball reassured plaintiff that the request had been sent to Salem, and was awaiting a reply. Another month passed without any indication of decision; and once again, plaintiff requested an update on the status of the request, in which Mr. Ball seemed “Surprised” in his response that the issue was unresolved. Mr. Ball well knew that he was the conduit through which the information would be relayed from Salem to the plaintiff. At this point on July 15, 2021 Mr. Ball reassured plaintiff a response would be forthcoming in “2 weeks+”. After allowing another month to pass, in deference to the process, without hearing of any decision on 8/24/21, plaintiff was still seeking the response to his Religious Accommodation Request he had sent nearly a full 4 months prior on May 8, 2021. (*EXHIBIT 7, KYTE SENT TO CHAPLAIN BALL, DATED 8/24/21*). In his response dated 8/31/21, Mr. Ball stated, “Apologize for the reply taking so long. I did inquire in Salem today about your religious accommodation request. I expect a reply back today or tomorrow. Thank you for your patience.”

27. On September 2, 2021 plaintiff sent a kyte to Chaplain Mr. Ball wherein he reminded Mr. Ball of Oregon Administrative Rule (OAR) 291-143-0112, “Inmate may petition to have religious accommodation for meal from the facility religious coordinator” and repeated his request for a Halal meal or a kosher meal as an alternative. (*EXHIBIT 8, KYTE SENT TO CHAPLAIN BALL, DATED 9/2/21*). On 9/3/2021 Chaplain Mr. Ball responded, “You have already done everything you can do to receive Halal/Kosher meals. You properly filled out the two forms I gave you and returned them to me. I sent those to Salem, and as I told you yesterday in person, they have changed who is supposed to review/ approve/deny those religious meal requests and they never received yours. So, on 8/31/21 I resent it. Now we wait for a reply.” There are a few discrepancies to be pointed out here: 1) Plaintiff never saw or

spoke to Chaplain Ball on 9/2/21 as asserted, “As I told you yesterday” by chaplain Mr. Ball.

2) Never having spoken to Chaplain Ball on Thursday 9/2/21, plaintiff was never told, they have changed who is supposed to Review/ Approve/ Deny those religious meal request...”. 3)

Counselor B. Clore spoke to Chaplain Ball on behalf of plaintiff the morning of 8/31/21 and Chaplain Ball indicated to Counselor B. Clore, “...reply back today or tomorrow”. 4)

Counselor B. Clore, on the morning of 9/3/21 called Chaplain Ball on plaintiff’s behalf and Chaplain Ball indicated, “Should hear or receive today after noon sometime”. 5) Plaintiff went to see Chaplain Ball in-person on 9/3/21 around 1:30pm, at that time Chaplain Ball informed plaintiff, “I haven’t got anything yet, stay patient”. Mr. Ball also said, “let me look one more time at the e-mail, nothing yet”. 6) In the course of these interactions Chaplain Ball never indicated to plaintiff the fact of Salem not receiving the request, or any change in policy or personnel as an excuse for the delay or having re-sent it on 8/31/21, or in receiving the response dated Sept 1, 2021. So being told by Mr. Ball, “you have already done everything you can do....” didn’t have any finality to the plaintiff, as at that point in time, plaintiff had not been informed as to the nature of the final decision.

28. On September 16, 2021 plaintiff received the response from Salem dated September 1, 2021.

In the letter it stated that the date of request was May 8, 2021 and the Office of the Administrator of Religious Services received the request on August 31, 2021. (*EXHIBIT 9, DENAIL LETTER FROM DARYL BORELLO, ADMINISTRATOR RELIGHIOUS SERVICE, DATED SEPTEMBER 1, 2021*). This lapse in the time of nearly 4 months between the submission of the Religious Accommodation Request to Chaplain Ball on May 8, 2021 and Salem receiving it on August 31, 2021 is significant because in the interim every day that passed waiting for a decision was a day plaintiff had to choose between satisfying his nutritional and biological needs and fulfilling his obligations to observing the tenets of his faith due to the inadequacy of the status quo in the DRCI kitchen as it regarded to meeting the

Islamic standard for purification and cleanliness as prescribed in the two leading sources of the Islamic teaching: The Qur'an and the Hadith. This delay as well as the protections under RLUIPA, constituted a pattern of willful discrimination against the plaintiff due to his being of Muslim East African birth and descent, as well as in retaliation against the plaintiff for having the temerity to challenge the status quo and his insistence on the right to exercise his religion. The record of communication shown above shows a pattern of dissembling and empty promises, and then a pathetic attempt to conceal the actions made by Chaplain Ball.

29. In the letter from Daryl Borello, Administrator Religious Services, it disparages plaintiff's commitment and adherence to his faith when he made suggestions about plaintiff's canteen purchases without any evidence, a false canard. Perhaps, Administrator Mr. Borello, could make a claim that plaintiff only prays 4 ½ times a day, or more scandalously is not always facing precisely in the direction of Mecca? Assertions such as these attempt to cast doubt by casting aspersions toward the legitimacy of the plaintiff's faith, and are absurd. Any serious inquiry into the matter would find that the plaintiff is a cultural Muslim since his birth. Secondly, Mr. Borello relies on an unnamed "Imam" to point to as an 'authority' who gives his blessing, his full weight and support for existing DOC dietary policy and practices. This Imam is referred to as an authority whose opinion bears such significant weight, that his opinion is the final word on the matter, and is able to settle the question definitively. However, in being completely anonymous, the Imam is nothing more than four (4) letters set together in a particular order upon the printed page, without any bona fides listed as to the Imam's name, education, religious sect, or mosque that he presides over, there is no way to ascertain the legitimacy of this Imam's claim as it relates to normative orthodox Sunni Islamic teaching to which the plaintiff is an adherent.
30. On September 22, 2021 Plaintiff sent a Non-Emergency Health Care Request to medical about his medical concerns of eating beans and peanut butter. Plaintiff made medical staff

aware that when he does eat beans that it causes him to have extremely bad intestinal cramps and gas discomfort that interferes with his ritual cleanliness of obligatory prayers. (*EXHIBIT 10, NON-EMERGENCY HEALTH CARE REQUEST, MEDICAL PROGRESS NOTES, DATED 10/04/2021*)

31. On September 28, 2021 plaintiff filed a grievance against Mr. Borello and Chaplain Ball for their denial to provide the plaintiff with halal meal or kosher meal as a satisfactory substitute. (*EXHIBIT 11, GRIEVANCE COMAPLAIN# DRCM-2021-10-015, DATED 9-28-2021*). In the grievance plaintiff pointed out the fact that ODOC does not utilize alcohol in it's kosher cooking method, (contrary to the Imam's assertions) and that there is at least one known example of a Muslim AIC being provided kosher meals by the ODOC. Plaintiff also pointed out the fact that saying something is so, does not in itself make it so, and suggested that this heuristic truth should be applied by performing an investigation into the manner in which food is handled, prepared, and served; as well as how eating, cooking ware, and utensils are cleaned and sanitized in the DRCI kitchen, before declaring the manner {settled} by faith.
32. On September 28, 2021 plaintiff sent a kyte to Food Service Manager, Ms. Peel, inquiring as to the anonymous 'IMAM' whom Mr. Borello cites, claiming that Kosher meals include alcohol. (*EXHIBIT 12, KYTE SENT TO MS. PEEL, DATED 9/28/2021*). Ms. Peel replied that I am unaware of Alcohol being used to cook kosher.
33. On October 7, 2021 Plaintiff sent a Kyte to Mr. Ball, wherein the plaintiff notified him of his medical concern of eating beans. Plaintiff further explained that beans cause him to have extremely bad intestinal cramps and gas discomfort that interferes with the ritual cleanliness and cause hardship for him to pray at prayer time, and requests to have alternative substitution from beans. (*EXHIBIT 12, KYTE SENT TO MS. PEEL, DATED 9/28/2021*). In his response Mr. K. Ball, stated "I have reported your issue to medical, to food service, and to religious service".

34. On September 30, 2021 plaintiff sent a kyte to Food Service Manager, Ms. Peel, to make Ms. Peel aware of an instance of staff mishandling food items, and thus cross-contaminating food items with pork that occurred on 9-12-21. (*EXHIBIT 13, KYTE SENT TO MS. PEEL, DATED 9/30/2021*). In the kyte plaintiff noted how his concerns were ignored at the time by the staff, he did not eat as a consequence, and the fact that this is not the first time this has occurred.
35. On the morning of October 4, 2021 while plaintiff was working OCE Call Center, plaintiff received a phone call from medical concerning his dietary need. Plaintiff told the defendant John Doe that he needs alternative from beans. (*EXHIBIT 14, NON-EMERGENCY HEALTH CARE REQUEST, MEDICAL PROGRESS NOTES, DATED 10/04/2021*). Plaintiff was told by the unknown staff named that you have bought Beef Sausage for canteen and denied the plaintiff's request.
36. On October 5, 2021 plaintiff sent a kyte to canteen coordinator, Mr. Murphy, inquiring about Halal items that are available at canteen. (*EXHIBIT 15, KYTE SENT TO MR. MURPHY, DATED 10/5/2021*). Mr. Murphy responded that the only Halal meat available is "Tuna-Light," and that all halal items available have an "H"-Marking on the order sheet.
37. On October 6, 2021 plaintiff sent a kyte to Chaplain Ball, to inquire about the following: 1) If Mr. Ball would acknowledge that the manner in which Halal Lamb is prepared in DRCI kitchen for the EiD-Al-Adha feast ensures that the lamb is contaminated by pork and pork by-products, and thus no longer Halal. 2.) That being the case, why wouldn't it be possible to allow Muslims to prepare the lamb? 3.) Why is it that during Ramadan, the meals provided, all contain non-halal pre-packaged Turkey and Roast-Beef? 4.) Why is there no Imam at DRCI? (*EXHIBIT 16, KYTE SENT TO CHAPLAIN BALL, DATED 10/6/2021*). In his responses to plaintiff's 4 questions, Mr. Ball, gave a run-around of non-responses and a prior reply by Ms. Peel, dated 8-16-2021.

38. On October 6, 2021 plaintiff sent a kyte to Mr. Ball, wherein the plaintiff inquired about his concern of eating beans. Plaintiff further explained that beans causes him to have extremely bad intestinal cramps and gas discomfort that interferes with the ritual cleanliness and causes hardship for him to pray at prayer time and requested alternative substitution from beans. (*EXHIBIT 17, KYTE SENT TO MR. BALL, DATED 10/07/2021*). In his response Mr. K.Ball, “I have reported your issue to medical, to food service, and to religious services”.
39. On October 14, 2021 plaintiff sent a kyte to Chaplain Mr. Ball wherein Mr. Ball is asked if the Turkey, Roast-Beef, Etc.... that DRCI provides to AIC’s is Halal or kosher, and if the meat served is not halal or kosher, then why is it being provided to Muslims during the holy month of Ramadan? (*EXHIBIT 18, KYTE SENT TO CHAPLAIN BALL, DATED 10/14/2021*)
40. On October 29, 2021 Chaplain Ball wrote a response to GRIEVANCE# DRCM-2021-10-015, in which he denied the plaintiff’s complaint citing the exact same word for word response as was included in the denial letter for Administrator Religious Service, Daryl Borello, Dated 9- 1-2021. Again, this serves to the point that saying something doesn’t make it factual, copying and pasting a fallacy does not make it true. (*EXHIBIT 19, GRIVANCE REPONSE TO GRIEVANCE#DRCM-2021-10-015, DATED 10/29/2021*).
41. On November 8, 2021 plaintiff sent a kyte to Food Service Manager, Ms. Peel, regarding the same concern as EXHIBIT K, namely the alcohol content, if any of DOC provided kosher meals. (*EXHIBIT 20, KYTE SENT TO MS. PEEL, DATED 11/8/21*). Ms. Peel responded: “I have received confirmation from the supplier of the kosher meals they do not contain alcohol”. This directly contradicts the assertion made by an anonymous “Imam” in the denial letter dated 9-1-2021, where the ‘Imam’ states: “Muslims do not eat kosher as there are additions or cooking methods (including Alcohol)”.
42. On November 11, 2021 plaintiff went to dinner in the dining hall where pork pizza was being served on a Thursday night. Plaintiff went through the line and based on the placement of the

one “Meal contains Pork” sign he did not take the soup, plaintiff instead got a serving of pizza. Plaintiff sat down and only after taking a second bite of the pizza was informed that it contained pork. Upon hearing this plaintiff spit the mouthful of pizza out, rinsed his mouth, and confirmed with the kitchen coordinator that the pizza had pork in it. Plaintiff tossed the tray and cup in the trash. On his way out of the kitchen plaintiff was confronted by correctional officer, Mr. Vasquez. Plaintiff verbally asserted his right to grieve the DRCI kitchen and went back to his unit. Within about a half hour two correctional officers came and escorted plaintiff in retaliation for exercising his First Amendment right, to the Disciplinary Segregation Unit (DSU). (*EXHIBIT 21, ODOC MISCONDUCT REPORT, CASE# DRCM 2111 DRCM 0026 DRCM 17, DATED 11/11/2021*). Later that same evening plaintiff asked Sgt. Mr. Towle, why he was placed in DSU. Sgt. Mr. Towle. He responded he could not say, but allegedly it was not because of what happened earlier in the dining hall, it was for “something else”. The following week while plaintiff was still in segregation Mr. Vasquez told plaintiff: “it wasn’t my idea to get you over here, my intention was to cell you in, but my co-workers put you here for a prior issue with your grievance”.

43. On November 18, 2021 plaintiff sent a kyte from disciplinary segregation unit (DSU) to Ms. Peel, wherein he inquired why he was not getting substitution for beans, while he was being provided other alternative proteins from beans before his placement in DSU. (*EXHIBIT 22 KYTE SENT TO MS. PEEL, DATED 11/18/2021*)
44. On November 18, 2021 the plaintiff sent a kyte from DSU to Chaplain Ball, where he requested, that in light of a non-black Muslim receiving kosher at DRCI, if the decision to deny plaintiff’s request for religious accommodation for ideally halal, or as a compromise, kosher was based on the fact the plaintiff is a black African, and/ or if ODOC was denying the plaintiff was a Muslim. (*EXHIBIT 23, KYTE SENT TO CHAPLAIN BALL, DATED 11/18/2021*). Chaplain Ball’s response was to deny that there was any bias in the decision, but

that it was based on plaintiff's canteen purchase history, and the anonymous 'Imam's' stamp of approval for what the ODOC offers to Muslim AIC's. The interesting point here is that Muslim AIC, Rashid Kambarov who was being provided kosher meals, purchased the items in question from canteen as the plaintiff did, and was also the recipient of the adequacy of what the ODOC offers to Muslims, same as plaintiff. So, the question remains, if the reason proffered for denying the plaintiff Religious Accommodation in the form of kosher meals, applied equally to the AIC Rashid Kambarov, who was provided kosher meals, then what would explain the discrepant disparity in how the two Muslim AIC's were treated?

45. On November 21, 2021 the plaintiff sent a kyte from DSU to DRCI food service manager, Ms. Peel, regarding the signage that was posted that indicate which items in a meal contain pork, specifically "on 11-11-2021 at dinner time there was a posted sign that said meal contains pork, it means that the whole line contains pork/swine because the sign does not say which item that contain pork/swine". (*EXHIBIT 24, KYTE SENT TO MS. PEEL, DATED 11/21/2021*). Ms. Peel's response was, "we are not required to post signs about pork or any other food item".
46. On December 1, 2021 plaintiff submitted his first appeal to grievance# DRCM-2021-10-015A wherein plaintiff disputes Administrator of Religious Service, Mr. Borello's response to the original grievance and affirmatively stated: 1.) plaintiff is not vegetarian, 2.) there is no history of teaching of the prophet Mohammed or his followers being vegetarian, 3.) the vegetarian option provided by ODOC does not meet the Muslim standard for purification and cleanliness prescribed under Islamic law, 4.) plaintiff's rights have been violated under the U.S constitution and RLUIPA, and plaintiff has been forced to choose between his biological nutritional and spiritual religious requirement. (*EXHIBIT 25, FIRST APPEAL GREIVANCE# DRCM-2021-10-015A, DATED 12/1/2021*).

47. ON December 10, 2021 plaintiff received a response to his first appeal grievance #DRCM-2021-10-015A from Assistant Administrator Religious Service, Stuart Young, in which Mr. Young stated, "... on the current menu pork entrée can be served two times per week. There are twenty-one (21) meals per week". The menu posted at that time, that covered five weeks of menus had either {four or five meals that contains pork, so factually}. The above assertion is not correct, along with being insulting, that somehow as a Muslim it is "ok" or "not a big deal" if I don't eat a couple meals because after all there are 21 meals in the week. Applying that standard to the general population, *"I'm sorry sir, you've already had 19 meals this week, we can't serve you"*, would not be tolerated. Mr. Young also stated, "According to our Imam volunteer, chicken and fish are naturally or processed halal". Again, the bone fides of the Imam in question are not known, but this assertion is ridiculous and easily refuted. A quick look at the canteen sheet shows that the chicken offered is not 'marked Halal' and furthermore the tuna offered that is marked halal on the canteen sheet does not indicate that this is the case anywhere on its packaging. (*EXHIBIT 26, RESPONSE TO GRIEVACE APPEAL#DRCM-2021-10-015A, DATED 12/10/2021*). Lastly, assistance Administrator Young asserted, "the food is prepared and served in a manner that avoids contamination... the plated, bowls, cups, eating utensils and meal trays to eat the food are also properly cleaned and sanitized for each meal. *Plaintiff's personal experience as already cited by the kyte to Ms. Peel, dated exhibit would argue otherwise.*
48. On December 16, 2021 plaintiff sent a kyte to food service manager, Ms. Peel, inquiring if DRCI has a kosher or halal kitchen. (*EXHIBIT 27, KYTE SENT TO MS..PEEL, DATED 12/16/2021*). Ms. Peel replied "... no we do not have a kosher or halal kitchen".
49. On December 23, 2021 plaintiff submitted a second/final appeal for grievance # DRCM-2021-10-015AA wherein plaintiff pointed out that: "1. DRCI does not have halal or kosher kitchen, 2. The regular meal trays and pork-free, meat alternative (Veggie) trays are

contaminated. If regular meal trays and pork-free, meat alternatives were not contaminated, then cooking kosher would be prepared at DRCI instead of purchasing kosher from suppliers, 3. Mr. Young states that plaintiff's canteen purchases shows plaintiff routinely orders non-halal beef products, yet did not photo copy plaintiff's purchases to show him, 4. DRCI meats are not kosher or halal, 5. Sanitization is not sufficient in itself to meet the religious standard of purification, (*EXHIBIT 28, FINAL APPEAL GREIVANCE# DRCM-2021-10-015A, DATED 12/23/2021*).and cites, SEE "*ROMAN LEE JONES, v. COMMISSIONER, INDIANA DEPARTMENT OF CORRECTION, CASE# 1:16-cv-2887-WTL-MJD, UNITED STATES DISTRICT COURT SOUTHERN DISTRICT, INDIANA INDIANAPOLIS.*

"The Defendant's refusal to provide Jones with a meat-based diet that meets the requirements of Jones's religious beliefs violates Jones's rights under RLUIPA. Based on Jones's testimony, meals that include kosher meat meet his religious requirements. Accordingly, the Court will enter an injunction requiring the Defendant to provide Jones with meals that provide halal or kosher meat on a regular basis. The pre-packaged kosher trays served to inmates at prisons that do not have a kosher kitchen would, according to the evidence presented to the Court, satisfy the requirements of Jones's religious beliefs. Jones's request for declaratory and injunctive relief is GRANTED and the Court will enter judgment in Jones's favor. Jones's"

50. On January 24, 2022 plaintiff filed a grievance complaint against Chaplain Ball for his failure to provide him any information regarding the Imam referred to him in the denial letter from Mr. Borello, (*EXHIBIT 9, DENAIL LETTER FROM DARYL BORELLO, ADMINISTRATOR RELIGHIOUS SERVICE, DATED SEPTEMBER 1, 2021*). (Grievance complaint (*EXHIBIT 29 (DRCM-2022-01-051, DATED 01/24/2022)*).
51. On the morning of March 3, 2022 plaintiff had seen the grievance coordinator, Mr. Ybarra, in his office. Plaintiff inquired of Mr. Ybarra, "what happened with my response to grievance #DRCM-2021-10-015AA? Mr. Ybarra responded, "I already received the response, and I had to send it back, but I received it again today". Plaintiff replied, "What was the reason for you to send it back?" Mr. Ybarra responded, "There were several incorrect statements". Plaintiff

asked, “May I see the response?” Mr. Ybarra said, “No”. Plaintiff asked, “Can you tell me what the response said?” Mr. Ybarra answered, “It said, you have kosher meal as an option is available to you”. That’s why I sent it back”. This incident shows that Mr. Ybarra is acting not simply as a central clearing house to facilitate the dissemination of information through the proper channels to ensure the proper individual(s) receive information generated elsewhere. Rather, Mr. Ybarra is personally involving himself into the nature of the content others are responsible for having created, and the content generated by others; when his role and duty is simply to pass on the information to the individual for which it was intended.

52. On March 3, 2022 plaintiff received the final response to his second/final appeal for grievance # DRCM-2021-10-015AA from Religious Service Administrator, Daryl Borello, in which Mr. Borello denied plaintiff claims and concurred with Assistance Administrator Mr. Young, that plaintiff’s grievance was unwarranted, because everything ODOC did was sufficient to the religious and nutritional needs of Muslim AIC’s. (*EXHIBIT 30 (DRCM-2022-01-015, DATED 01/24/2022)*).
53. On March 3, 2022 while plaintiff was in the chow hall for dinner, plaintiff was made aware, after eating the dessert cake, that the cake contained gelatin which contained pork. While there was a sign that indicated the following, “this meal contains pork” it did not indicate which item(s) contained pork, nor was the sign posted where the cake was being served. When plaintiff brought this to the attention of the food coordinator, Ms. Aeshliman, her response was, “we are not required to notify you whether the item has pork or not”. (*EXHIBIT 31, GREIVANCE #DRCM-2022-03-031, DATED 3/15/2022*)

EXHAUSTION OF REMEDIES

54. Plaintiff has exhausted his remedies under the PLRA, by filling grievance# DRCM_2021_10_015 (against defendants Borello, Ball) (response from Ball, Young, Borello), and discrimination#DRCM_2021_08_053 (against defendant Ball), and Grievance#

DRCM_2022_01_051 (against defendant Ball), and grievance# DRCM_2022_03_031 (against defendant Peel), and grievance # DRCM_2023_02_033 (against the entire DRCI medical department). TORT Claim #L18169001.

CLAIMS

FIRST AMENDMENT CLAIM

55. Plaintiff's reincorporates paragraph above, and alleges:
56. Defendants Ball, Borello, Young, have violated plaintiff's first amendment rights under free exercise clause, because the defendants have violated plaintiff's sincerely held religious beliefs, causing a substantial burden.
57. As an observant Muslim with adherence to Islamic teaching, plaintiff's right to the free-exercise of religion is being denied by the defendant(s) through the Department of Correction's failure to provide halal meals to plaintiff, and by the defendant's actions.
58. The defendant's Ball, Borello, Young, failure to provide the plaintiff with meat that is halal, to adequately safeguard against pork contamination of other food, to adequately and consistently identify pork and pork by-products on the menus, forces the plaintiff to either eat proper nourishment purchased from canteen, or risk eating pork or pork contamination food, or eat food not otherwise halal. The extra expense of plaintiff purchasing food from canteen is actual damage and injury.
59. The defendant's failure to provide halal meals is substantial burden on the plaintiff's religious practice and violates plaintiff's rights under Religious Land Use Institutionalize Person Act. (RLUIPA).
60. Under RLUIPA, a government may not impose a substantial burden on the religious exercise of a confined person unless the government establishes that the burden furthers a "compelling governmental interest" and does so by "the least restrictive means." 42 U.S.C. § 2000cc-1(a)(1). The defendant's deprived the plaintiff's rights under RLUIPA, where defendants

repeatedly exposed the plaintiff to pork, to the point that the plaintiff hardly went to meals because of the contamination of pork or pork by-products and adhering to his spiritual requirements at the expense of his physical needs. When plaintiff did go to meals out of sheer hunger, he was fulfilling his physical requirements at the expense of his spiritual obligations. Plaintiff felt guilty either in having to constantly make the choice between meeting physical or spiritual needs, which produced anxiety in the plaintiff and a substantial burden on the exercise of his sincerely held religious beliefs.

61. The choice between the state created benefit of meals, and the exercise of plaintiff's first amendment beliefs, has created an unconstitutional condition on the plaintiff.

EIGHTH AMENDMENT CLAIM

62. The defendant(s) Ball, Borello, Young, Peel, Battle, deprived the plaintiff of his eighth amendment right to be free of cruel and unusual punishment.
63. The defendants have denied the plaintiff's constitutional right by failing to provide a nutritionally balanced meal. The institution has failed to provide a diet which conforms to the requirement of Islamic shar'ia law, that also meets acceptable medical and nutritional guidelines.
64. The regular meals provided by ODOC are contaminated by pork or pork by-products, and is against the plaintiff's religious faith to be eaten, also known as "haram", which is sinful and forbidden.
65. The vegetarian diet that defendant(s) confirm to be halal is also contaminated. It causes the plaintiff to have medical problem eating the beans and peanut butter because the beans and peanut butter cause him an extremely bad intestinal cramps and gas discomfort that interferes with plaintiff's religious practice of ritual cleanliness while doing obligatory prayers (Salat).

SEE SHAKUR v. SCHRIRO, 514 F.3d 878 (9th Cir. 2008),

“Shakur has contended throughout the administrative grievance process and this litigation that the vegetarian diet causes him hardship because it "gives [him] gas" and "irritates [his] hiatal hernia." His primary issue with the diet is that his gastrointestinal discomfort interferes with the state of "purity and cleanliness" needed for Muslim prayer.”

RETALIATION

66. Plaintiff incorporates the above, and asserts:

67. Furthermore, plaintiff's eighth amendment rights were and are violated by the defendant(s)

Vasquez, Jones, John Doe, John Doe, through their retaliatory adverse actions placing the plaintiff in DSU for eleven (11) days with no supporting cause on November 11, 2021, for exercising his free speech, due process, and religious rights.

68. A prison retaliation claim requires that: (1) "a state actor took some adverse action against an inmate, (2) because of (3) that prisoner's protected conduct, and that such action (4) chilled the inmate's exercise of his First Amendment rights, and (5) the action did not reasonably advance a legitimate correctional goal." *Rhodes*, 408 F.3d at 567-68; *Pratt v. Rowland*, 65 F.3d 802, 806 (9th Cir. 1995). "The filing of an inmate grievance is protected conduct." *Watison v. Carter*, 668 F.3d 1108, 1114 (9th Cir. 2012). On the fourth element, "[a] plaintiff who fails to allege a chilling effect may still state a claim if he alleges he suffered some other harm that is more than minimal." *Id.* (internal quotations and citations omitted).

69. Here, plaintiff argues that: (1) Plaintiff was placed in DSU for Eleven (11) days, which is an adverse action, (2) because of (3) Plaintiff's alleged free speech, which was protected under the first amendment, (4) The defendant's actions chilled the exercise of plaintiff free speech, (5) and Defendant's had no penological reason for the plaintiff placement in DSU.

FOURTEENTH AMENDMENT CLAIM- Equal Protection

70. Plaintiff incorporates the above, and alleges:

71. Plaintiff's fourteenth amendment right to equal protection was violated by the department when the defendants provided kosher meals to AIC Rashid Kambarov, an observant Muslim during the same period of time when defendants were denying plaintiff's requests for the same thing (a kosher meal) as an observant Muslim himself. It is also the plaintiff's belief that his equal protection rights were prima facie being violated by the mere fact that one religious faith (Jewish) has their respective dietary requirement accommodated so they may observe their religious practice by being provided meals that conforms to their respective religious laws and beliefs. A simple test of this would be to imagine that Muslims were provided Halal meals, while Jewish practitioners were denied kosher meals. The unfairness, and discriminatory nature of such a policy would be readily evident.

SUPERVISORY LIABILITY

72. Plaintiff incorporates the above, and alleges defendants Borello, Steward, Young, Ybarra, are liable under "supervisor liability" for failing to take action to prevent or correct their subordinates' unconstitutional actions of the policies and procedures within ODOC that are implemented. (SEE **STARR v. BACA**, 633 F.3d 1191 (9th Cir. 2011):

"We have long permitted plaintiffs to hold supervisors individually liable in § 1983 suits when culpable action, or inaction, is directly attributed to them. We have never required a plaintiff seeking to state a claim for supervisory liability to allege that a supervisor was physically present when the injury occurred. In Larez v. City of Los Angeles, 946 F.2d 630 (9th Cir.1991), we explained that to be held liable, the supervisor need not be "directly and personally involved in the same way as are the individual officers who are on the scene inflicting constitutional injury." *Id.* at 645. Rather, the supervisor's participation could include his "own culpable action or inaction in the training, supervision, or control of his subordinates," "his acquiescence in the constitutional deprivations of which the complaint is made," or "conduct

that showed a reckless or callous indifference to the rights of others.” *Id.* at 646 (internal citations, quotation marks, and alterations omitted)”.

YOUNG, Assistant Administrator Religious Service

1. Young, is to be held liable in his supervisory position for his failure to adequately supervise Defendant Ball, at Deer Ridge Correctional Institution to ensure that defendant Ball is carrying out the Chaplains duties to provide fair and equal access for AIC’s to practice their various religious faith practices without fear or favor, in the plaintiff’s case orthodox Sunni Islam.
2. Young liability also extends to his lack to adequate supervision over, defendant Peel, Food Service Manager, at DRCI, insofar as it relates to the kitchen’s preparation and cleaning practices, not as a county health inspection issue, but as a religious purification standard over which Youngs, has supervisory authority to implement and oversee directive, policies, and practices that allow the plaintiff to faithfully follow that teachings and tenets of his Islamic Shar’ia law when the preparation, distribution, and consumption of food is treated as a ritual matter.
3. Young’s Acquiescence in the constitutional deprivations of which this complaint is made shows a reckless and callous indifference to the religious rights of the plaintiff.

BORELLO, Administrator Religious Service

4. Borello is to be held liable in his supervisory position for his failure to adequately supervise the Religious Accommodation request process, itself, rather than addressing the request itself. In this case, regarding the provision of a meal that is certifiable Halal, Borello attacks plaintiff’s request by addressing the meal that is being provided by DRCI (which for a variety of reasons that the plaintiff attempts to bring to Borello’s attention, is not certifiable Halal, again not for one but for many reasons).
5. In this way Borello abrogates his responsibility to an unverified, and unvetted opinion of his subordinate Defendants, who themselves have not been present or investigated the claims and concerns of the plaintiff as to the ritual uncleanness (Cross-contamination) of food products

served in the DRCI kitchen. Which includes that which is served as part of the observation of Ramadan, not being certifiably Halal. To the list of unverified, and unvetted, unqualified may be added when it comes to Borello's reliance on the opinion of an anonymous, Imam, on whom Borello, as a definitive authority and last word on the perfunctorily claimed adequacy of what is provided as being sufficient to meet the purification standard that is common to Islamic Shar'ia law while also meeting the nutritional needs of an observant Muslim AIC.

6. Not only are the Imam's claims unqualified due to his anonymous, but as a consequence of Borello's failure to properly supervise over the Religious Requirement of plaintiff at DRCI.
7. This Imam in Question, nor defendants Borello and Young, has never been to this Institution during the period of time in question to determine for themselves through inspection that the process and procedures being followed in the DRCI kitchen meets the standard of ritual cleanliness and purification.
8. As is the case, previously mentioned, with Young, Borello, their acquiescence in the constitutional deprivations of which this complaint is made shows a reckless and callous indifference to the religious rights of the plaintiff.

YBARRA, Grievance Coordinator.

9. Ybarra, interfered with plaintiff's rights to free exercise of his religion when he sent back the grievance response from Borello, to DRCM-10-015AA that as originally sent, said that, "You have kosher meal as an option available to you (plaintiff)", as reported to plaintiff by Ybarra. Since the final response denied plaintiff both Halal and Kosher meals, this action on the part of Ybarra raises many questions about the integrity of the grievance process, as well as the integrity of how decisions are made by the Religious Service office in Salem as run by Borello and Young.
10. Ybarra's liability for the deprivation of the plaintiff's rights is in part due to his obstruction of the grievance process, in contravention of it as a means to redress grievances, when Ybarra

took action outside of the process so as to alter a decision that had been made by Borello and sent to Ybarra to then forward to plaintiff. It is Ybarra's role as a Grievance Coordinator to simply act as a clearing house for information from various parties and then make sure that the information form gets to the intended party it is addressed to in this case. However, Ybarra did not, as a subordinate to Borello, forward Borello's response to DRCM-10-015AA onto the plaintiff as his position as Grievance Coordinator requires him to do. Rather Ybarra took it upon himself to interfere on behalf of what Ybarra perceived to be that state's interest against the interest of the plaintiff's religious right, and in this way, Ybarra is directly responsible through his direct action of denying the plaintiff the free exercise of religion.

11. In this case, specifically, being provided Kosher meals. This deliberate action on the part of Ybarra to obstruct the grievance process by taking extraordinary steps to effectuate the outcome of a decision made to a higher level in the chain of command within the ODOC shows a reckless and callous indifference to the religious rights of the plaintiff.

Wherefore: Plaintiff requests that the court grant the following relief:

A. Issue an injunction ordering: Defendant(s) Borello, Young, Ball:

1. The defendants Borello, Young, Ball to immediately arrange for the plaintiff to be provided Halal approved meals.
2. Immediately arrange a Muslim Imam familiar with Sunni Islamic to inspect the DRCI kitchen to ensure that the food for plaintiff is in compliance with the Islamic Shar'ia Law.
3. Immediately ensure that mainline meals are not cross-contaminated with pork, or pork by-products before and during service of the meal. Maintain jurisdiction of this case to ensure compliance.
4. To immediately construct or deploy a Halal kitchen at DRCI for the preparation for the plaintiff's meals.

B. Issue an injunction ordering: Defendant(s) Borello, Young, Randall to:

1. For the department to modify their rules for religious dietary accommodation that prevents the cross-contamination for the plaintiff or for the department to adopt new rules that comply with the plaintiff's religious dietary needs.
2. For the department to adopt new rules that identifies what each meal contains.

C. Award compensatory damage in the following amounts:

1. \$20,000 Jointly and severally against defendants Borello, Young, Ball for their denial to provide Halal meals or otherwise ensure their provision, to the plaintiff, knowingly and providing the plaintiff meals that are/were Haram, in violation of plaintiff's first amendment rights.
2. \$30,000 Jointly and severally against defendants Ball, Peel for failing to provide the plaintiff nutritionally balanced meals that meet acceptable religious, health, and medical guidelines, which caused plaintiff a financial burden to live off canteen, and a substantial burden in the exercise of his religious beliefs in violation to RLUIPA.

3. \$15,000 Jointly and severally against defendants John Doe, John Doe, Vasquez, Jones for their retaliation to punish the plaintiff and placing him Disciplinary Segregation Unit (DSU) for eleven days. For plaintiff exercise his rights to free speech and redress.
 4. \$10,000 against defendant Battle for his failing to document plaintiff's food allergy which caused substantial burden on plaintiff's religious exercise.
- D. Award punitive damages in the following amount to deter unconstitutional action:
1. \$10,000 Each against defendants Borello, Young, Ball.
 2. \$10,000 Each against defendants Peel, Ball.
 3. \$20,000 Each against defendants Vasquez, Jones, John Doe, John Doe.
 4. \$10,000 Each against defendant Battle.
- E. Grant such other relief as it may appear that plaintiff is entitled.

Signed this 11 day of April, 2023.


(Signature of Plaintiff(s))

Name: Hamza Mohammed Jama

SID No. 23052446

Deer Ridge Correctional Institution

3920 E. Ashwood Road,

Madras, OR 97741

Hamza Mohammed Jama SID#23052443
Deer Ridge Correctional Institution
3920 East Ashwood Rd,
Madras, Oregon 97741

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

HAMZA MOHAMMED JAMA

Plaintiff,

Civil Case No. _____

(to be assigned by Clerk's Office)

v.

FIRST NAME UNKOWN (FNU) BALL,
Chaplain, CHRISTOPHER, RANDALL,
Superintendent, HEIDI STEWARD,
Oregon Department of Corrections, Acting
Director, DARYL BORELLO, Administrator
Religious Service, STUART YOUNG, Assistant,
Administrator Religious Service, F.N.U. Peel, Food
Service Manager, F.N.U. YBARRA, Grievance
Coordinator, F.N.U. Vasquez, Correctional
Officer; JOHN DOE, Correctional Officer, JOHN
DOE, Correctional Officer, F.N.U. BATTLE,
ODOC Provider, F.N.U. JONES, Lieutenant,
F.N.U. Aeshliman, Kitchen Coordinator,
F.N.U Ackley, Acting Superintendent:

Defendants,

**EXHIBIT LIST IN SUPPORT
OF COMPLAINT**

EXHIBIT LIST

1. *EXHIBIT 1, DISCRIMINATION FORM #DRCM_2021_08_053, PG.3, DATED 8/30/2021.*
2. *EXHIBIT 2, DEPARTMENT OF CORRECTION AND RELIGIOUS ACCOMMODATION
REQUEST DATED 5/8/2021 WITH ATTACHED OAR#291-143-0112.*
3. *EXHIBIT 3, KYTE TO CHAPLAIN BALL, DATED 6-7-21.*
4. *EXHIBIT 4, KYTE TO CHAPLAIN BALL, DATED 7/13/21.*
5. *EXHIBIT 5 KYTE TO CHAPLAIN BALL, DATED 7/13/21)". EXHIBIT 5, KYTE TO MR.
ACKLEY, DATED 7/14/21.*

6. *EXHIBIT 6, KYTE SENT TO MS. PEE, DRCI FOOD SERVICE MANAGER, DATED 8/13/21.*
7. *EXHIBIT 7, KYTE SENT TO CHAPLAIN BALL, DATED 8/24/21.*
8. *EXHIBIT 8, KYTE SENT TO CHAPLAIN BALL, DATED 9/2/21.*
9. *EXHIBIT 9, DENAIL LETTER FROM DARYL BORELLO, ADMINISTRATOR RELIGHIOUS SERVICE, DATED SEPTEMBER 1, 2021.*
10. *EXHIBIT 10, NON-EMERGENCY HEALTH CARE REQUEST, MEDICAL PROGRESS NOTES, DATED 10/04/2021.*
11. *EXHIBIT 11, GRIEVANCE COMAPLAIN# DRCM-2021-10-015, DATED 9-28-2021.*
12. *EXHIBIT 12, KYTE SENT TO MS. PEEL, DATED 9/28/2021.*
13. *EXHIBIT 13, KYTE SENT TO MS. PEEL, DATED 9/30/2021.*
14. *EXHIBIT 14, NON-EMERGENCY HEALTH CARE REQUEST AND MEDICAL PROGRESS NOTES, DATED 10/04/202.*
15. *EXHIBIT 15, KYTE SENT TO MR. MURPHY, DATED 1015/2021.*
16. *EXHIBIT 16, KYTE SENT TO CHAPLAIN BALL, DATED 10/6/2021.* Attachedment Ms. Peel, Dated 10-6-21.
17. *EXHIBIT 17, KYTE SENT TO MR. BALL, DATED 10/07/2021).*
18. *EXHIBIT 18, KYTE SENT TO CHAPLAIN BALL, DATED 10/14/2021.*
19. *EXHIBIT 19, GRIVANCE REPOSE TO GRIEVANCE#DRCM-2021-10-015, DATED 10/29/2021.*
20. *EXHIBIT 20, KYTE SENT TO MS. PEEL, DATED 11/8/21.*
21. *EXHIBIT 21, ODOC MISCONDUCT REPORT, CASE# DRCM 2111 DRCM 0026 DRCM 17, DATED 11/11/2021.*
22. *EXHIBIT 22 KYTE SENT TO MS. PEEL, DATED 11/18/2021*
23. *EXHIBIT 23, KYTE SENT TO CHAPLAIN BALL, DATED 11/18/2021.*

24. EXHIBIT 24, KYTE SENT TO MS. PEEL, DATED 11/21/2021.
25. EXHIBIT 25, FIRST APPEAL GREIVANCE# DRCM-2021-10-015A, DATED 12/1/2021.
26. EXHIBIT 26, RESPONSE TO GRIEVACE APPEAL#DRCM- 2021-10-015A, DATED 12/10/2021.
27. EXHIBIT 27, KYTE SENT TO MS..PEEL, DATED 12/16/2021.
28. EXHIBIT 28, FINAL APPEAL GREIVANCE# DRCM-2021-10-015A, DATED 12/23/2021.
29. EXHIBIT 29 GRIEVANCE#DRCM-2022-01-051, DATED 01/24/2022.
30. EXHIBIT 30 GRIEVANCE FINAL RESPONSE #DRCM-2022-01-015, DATED 01/24/2022.
31. EXHIBIT 31, GREIVANCE #DRCM-2022-03-031, DATED 3/15/2022.
32. EXHIBIT 32, TORT CLAIM #L1816001.
33. EXHIBIT 33, GRIEVANCE # DRCM_2023_02_033 (against the entire DRCI medical department).

ALL EXHIBITS ARE ATTACHED

Signed this 11 day of April, 2023.


(Signature of Plaintiff(s))

Name: Hamza Mohammed Jama
SID No. 23052446
Deer Ridge Correctional Institution
3920 E. Ashwood Road
Madras, OR 97741



Oregon Department of Corrections (ODOC)

DRCI Minimum Grievance - Denied

To: Jama, Hamza
From: Ybarra, J

SID #: 23052446
Date: 08/31/2021

Cell: DRCM:G106B

Re: Non-Medical# DRCM_2021_08_053

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

Grievances must be received by the institution grievance coordinator or designee within 14 calendar days from the date of the incident or issue being grieved, unless the AIC can satisfactorily demonstrate why the grievance could not be timely filed. Untimely grievances will be denied and returned to the AIC with a statement of the rule.

An AIC may only request review of one matter, action, or incident per grievance.

Grievances must be written within the appropriate space provided.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance/Discrimination Complaint Coordinator.

①

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Jama Hamra m 23052446 G106B
Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: Mr. BALL (Chaplain)

Please provide the date/time of incident giving rise to grievance: 05/08/21 - Continue

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

This complaint is to Chaplain Mr. Ball. I have in good faith following the OAR-291-143-0112 with a request for a religious Accommodation for Halal food to be provided (dated 05/08/21). The OAR states as follows "Inmate may Petition to have a religious Accommodation for meal from the Facility Religious Coordinator." The DRCI Facility Religious Coordinator Chaplain Ball has displayed bad faith and Bias in his reaction to my Religious Accommodation request both Verbal and Written and in a Pattern of delay communications and Decision between myself and the Office in Salem under Stuart Young. His Bias and discrimination against me as black or Muslim was displayed in Initial Inquires about Possibility receiving Halal meal. The first communication I had was in April of 2021 when I had an opportunity to speak to Chaplain Ball in his office.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

08/30/2021
Date

[Signature]
Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED
1, 2021
DRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
DENIED
1, 2021
DRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Date Stamp

2

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Jama Hamza m 23052446 G106B
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: Mr. Ball (Chaplain)

Please provide the date/time of incident giving rise to grievance: 05/08/21 - Continue

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

I asked IF I could have Halal meal Chaplain Ball said "we don't give Halal", I asked again How about kosher meal. He responded with the question "are you a Jew?" I responded I was not. Chaplain Ball said "Then you can't have it". The nature of this exchange shows Bias, There is Bias Implied in the question of wheather I am a Jew or not a Jew. In May at the end of Rammadan 2021 I spoke to chaplain Ball in his office, I ask what is Prepared for Eid Al-Fitr The celebration after Ramadan Chaplain Ball respond and said "Eid Al-Fitr is not recognized by DRCT". In June 2021 I submitted a religious celebration/observance proposed event Title: "Faith Behind Bar Eid Celebration." Upon recieving a paper copy and Email of the Proposal chaplain Ball dismissed it out of hand with The words "It's not Important Me and you know" regarding Eid Al-Fitr.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

08/30/2021
Date

[Signature]
Signature

Receiving Facility (If not processing facility) Date Stamp	Received at Processing Facility RECEIVED 8/30/21 DRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC DENIED 8/31/21 DRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC Date Stamp
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Exhibit # 1

2

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Jama Hamza M 23052446 G106B
Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: Mr. Ball (Person who is chaplain)

Please provide the date/time of incident giving rise to grievance: 05/8/21 - Continue

List in detail all the reasons for your grievance. (What is the problem? When did it happen - date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

On 08/25/21 I sent inquiry as to the decision and to explain his handling of this matter in the manner he was in a Bias way. He did not respond to the Kite with the inquiry, but responded to a Kite originally I sent to Superintendent ACKLEY BACK in July. In his response he feigns ignorance and surprise that I am still waiting, expecting, and interested in a response to my religious request dated 5/8/21. I say "feigned" because chaplain BALL knows full well he is the only conduit for the information he told me would be forthcoming more than 6 weeks ago and for which I am still waiting. Mr. Ball is the conduit of a decision from Salem because he is the representative and works on behalf of Stuart Young. This delay constitutes a denial of my ability to practice my faith and has violated my rights first, fourteenth amendment, and also RLUIPA. The religion and I have been disrespected and discriminated because of BIAS.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Though I hold you accountable for Bias and violation to my legal rights I acknowledge that you don't know much about my religion therefore it's your responsibility to know and learn about it that why you are Chaplain. I want to talk to the Superintendent Mr. ACKLEY. Thank you

08/30/2021
Date

[Signature]
Signature

<p>Receiving Facility (If not processing facility)</p> <p>Date Stamp</p>	<p>Received at Processing Facility</p> <p>RECEIVED</p> <p>DCOI GRIEVANCE OFFICE</p> <p>Date Stamp</p>	<p>Accepted/Denied/RFC</p> <p>DENIED</p> <p>DCOI GRIEVANCE OFFICE</p> <p>Date Stamp</p>	<p>Accepted/Denied/RFC</p> <p>Date Stamp</p>
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Department of Corrections Religious Accommodation Request

Name of Inmate: Hanna M Jama SID Number: 23052446
Institution: DRCI Date: 05/08/2021

Inmate's Religious Request (Only one item per form)

1. What is the name of your religion or religious faith? (If Jewish, provide proof of maternal lineage or conversion.)

I am muslim

2. When did you begin practicing your religion or religious faith? Did you practice this religion or religious faith before being incarcerated?

I was born muslim and my whole family is muslim
I have been practicing my faith daily my whole life

3. What religious practices have you engaged in since being incarcerated?

Ramadan, Jumah, Eid of Ramadan and Eid of Adha
Celebration

4. What are you requesting, specifically? Describe in detail what you want to do that you can't do now, or what you want to be provided with that you can't have now.

I only eat Halal meals. My religion states that it's
mandatory that I eat halal meals. By the institution
not providing me with Halal meals my religion and I am
disrespected and in violation of my religious duty
Please provide me with Halal meals.

5. How are you taking advantage of the ways the institution is already accommodating the practice of your religion or religious faith?

~~I have been eating Halal food and Chaplain Ball~~

I have a prayer rug, I have a place to pray every other Friday for Jumah, Islamic Study group once a week. Non-Halal Ramadan meals and Eid Celebration meals

6. Have you discussed your request with any authorities, leaders or scholars from your religion or religious faith? If so, with who have you discussed your request, and what have those individuals told you?

I discussed with LT, Cos, and Chaplain Ball
I was told to talk to chaplain Ball. Mr. Ball
said I have to eat bean trays

7. Have you read about the religious practice you are requesting? If so, what sources have you read, and what did they say?

In the Quran Surah 5-al ma'idah Verse 3-4
Page 134-135 "Prohibited to you are dead animals
blood, the flesh of swine..."

8. Does the religious practice that you are requesting to be allowed to engage in have a foundation in a religious text (for example: the Bible, Koran or Torah)? Please identify as precisely as you can what part of the religious text provides the basis for your request.

Yes. In the Quran Surah 5-al-Ma'idah
Verse 3-4 Page 134-135

"Prohibited to you are dead animals
blood, the flesh of swine..."

9. If your request is denied, what alternatives would meet your religious needs?

There is no acceptable alternatives for me to
eating Halal. Please make this reasonable accommodation

Thank you



Department of Corrections Religious Diet Request

If you are making a Religious Diet Request, please address the following questions:

1. Describe the dietary laws associated with the religion that you practice. Please explain your understanding of these laws and what is required, allowed or prohibited.

Halal Rules here are food has to be blessed, no Pork. Halal
Food cannot be touched or handled around Pork Items. You cannot
Serve Halal meals on Trays that were ever used for Pork Items
The Kitchen that Prepares Pork Items can't Prepare Halal with same

2. What special food preparation requirements are required to meet your religious diet needs?

I have explained see question one answer for food
Preparation Standards.

3. Are there 'extra' requirements associated with food preparation that are part of your religious belief or tradition that you feel are essential to your religious practice and, if so what are the textual or traditional grounds for these requirements and what do they require?

All I want is Puranically accurate Halal
meals Please and thank You

4. Are you aware that the ODOC non-meat alternative diet meets all Old Testament dietary law requirements?

I cannot eat bean. I get extremely bad Intestinal
Cramps and Gas. Also why should I receive extra
Punishment for my religious need and not be fed non-Halal
meal or meat by DOC? I cannot Play and Practice with
Gas

5. As part of your religious practice have you taken the non-meat alternative diet and, if not, why have you not done so as a way of meeting your religious needs?

I have not done the non-meat alternative because
Pork is Prepared in the Kitchen and Served on
The Same Dishes Trays, and it's Beans

astcase

<https://jails.fastcase.com/Jails/Pages/RegulationsDocument.aspx?LTI...>

Activate

Select term(s) to navigate

Clear highlights

291-143-0112. Religious Dietary Accommodations

1) The department will satisfy the special religious dietary needs of inmates within the context of the Food Services cyclical menu.

2) Requests for inmate religious dietary needs that cannot be satisfied within the context of the Food Services cyclical menu will be considered.

a) Inmate requests for special religious diets must be rooted in religious exercise.

b) The Inmate must sign a religious diet participation agreement committing to adhere to the diet requested. Violation of the agreement may result in a re-examination of the inmate's commitment to the religious tradition in which the diet is observed. An inmate may submit a request for religious accommodation as outlined in OAR 291-143-0115.

DOC 16-2017, adopt filed 11/01/2017, effective 11/1/2017)

Statutory/Other Authority: 179.040, 423.020, 423.030 & 423.075

Statutes/Other Implemented: 179.040, 423.020, 423.030 & 423.075

OREGON DEPARTMENT OF CORRECTIONS

INMATE COMMUNICATION FORM

TO: Chaplain Bell Date: 06/07/2021State your issue in detail: Can you schedule me time to
come and talk to you in PectonPlease and thank you

Inmate Committed Name (first middle last)

Hanza Jarna

SID#

23052446

Housing Unit

D112B

Response/Action Taken:

Hanza,
Yes, of course. I am calling you over
to see me this morning @ 8:45 a.m.Date Received: 6/8/21

Referred To*:

Date Answered: 6/8/21

Signature of Staff Member:

Chaplain Bell

*If forwarded, please notify the inmate

CD 214 (12/04)

EXHIBIT #3

OREGON DEPARTMENT OF CORRECTIONS
INMATE COMMUNICATION FORM

~~FROM~~ *To:*

INSTITUTION: DRCT
INMATE NAME: Hamza Jama
SID #: 23052446
UNIT/BUNK: D112B
ADDRESS: _____

~~TO~~ *from:*

NAME: Chaplain Ball
TITLE: _____
ADDRESS: _____

(Fold Here)



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: Chaplain BallDate: 07/13/2021

State your issue in detail: Islamic law requires that Muslims Can not eat or having any contact with Pork and any other food items having come into contact with Pork or Pork bi-Products. I can not use utensils which have been used serving and consuming Pork or Pork bi-Products. DRCI issues menus of common fare food service program, it identifies the Pork meals or consuming Pork Products. DRCI does not have Clean ~~the~~ Trays or spoons or a bowls or cups when serving food. When serving Pork food the trays come back or utensils are greasy by the Pork that been served. What is the matter that will solve this Problem. I look forward to your reply

Please and Thank You?

AIC Committed Name (first middle last)

Hamza M Jamra

SID#

23052446

Housing Unit

G106B

Response/Action Taken:

Greetings, Hamza,

This matter is under review by Salan. I should get word back within 2 weeks + I will let you know.

Date Received:

7/14/21

Referred To*:

Date Answered:

7/15/21

Signature of Staff Member:

Chaplain Ball

*If forwarded, please notify the AIC

CD 214 (02/2020)

EXHIBIT #4

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

INSTITUTION: DRCT
AIC NAME: Hamba Jama
SID #: 23052446
UNIT/BUNK: G106B
ADDRESS: _____

NAME: Mr. Ball
TITLE: Chaplain
ADDRESS: DRCT

(Fold Here)



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: Mr. Ackley Date: 07/14/2021

State your issue in detail: I am muslim. The Islamic law requires muslims abstain from eating or having any contact with Pork and any other food items having come into contact with Pork or Pork bi-Product. To only use ~~the~~ utensils which have never been used in cooking, serving and consuming Pork or Pork bi-products. In the Quran Surah 5- Al maidah Verse 3-4 "Prohibited to you are dead animals, blood, the flesh of swine..." Am I being denied by my Constitutional rights and failing to provide a nutritionally-balance, Prison provided diet which conforms to the requirement of Islamic Law/Rule and meets acceptable health and medical guidelines. I can not eat bean trays. I get extremely bad intestinal cramps and gas, I can not pray and practice my religious with Gas. I haven't got anything from my Kosher Application. I look forward to your reply

Please and Thank You

AIC Committed Name (first middle last)

Hamza Jama

SID#

23052446

Housing Unit

G106B

Response/Action Taken:

Hamza,

Are you still waiting for a reply from Salem?
Let me know and I can check on it for you.

Date Received:

Referred To*:

Date Answered:

Signature of Staff Member:

Chaplain Bass

If forwarded, please notify the AIC

CD 214 (02/2020)

Exhibit #5

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

FROM TO:
INSTITUTION: DRCT
AIC NAME: Hamza Janga
SID #: 23052446
UNIT/BUNK: G106
ADDRESS: _____

NAME: _____
TITLE: _____
ADDRESS: DRCT

From:
CHAPLAIN K. BALL
TO
Mr. Ackley

(Fold Here)

I have Submitted this kyte to Mr. Ackley 7/14/21
The end of July, 21 I have seen Mr. Ackley in
G Unite and he said I ~~ofe~~ forward it to Chaplain.
8/26/21 Chaplain Sends it back to me.

OREGON DEPARTMENT OF CORRECTIONS
INMATE COMMUNICATION FORM

TO: MS. Peel Date: 08/13/21

State your issue in detail: I have received a kyle from you on 7/22/21, you
instated that "cooking Pots, Pans, bowls, utensils, Plate, dishes, cups,
and all cook ware, Trays and Serving utensils are properly cleaned and
Sanitized for each meal. All AIC Trays, cups, bowls, and spoons are also
properly cleaned and Sanitized for each meal." knowing that you are
Direct Food Service manager do you acknowledge, They came in contact
by Pork or Pork by product and are contaminated by pork? As an
observant muslim adherence To Islamic teaching are you saying
It's properly cleaned, Sanitized, and Pork free? Do you acknowledge that
7/28/21 muslim celebration [Eid Al Adha] feast was Prepared in all
these cook ware which is contaminated by Pork or pork by-product,
and clearly violation of my constitutional right free exercise of my
religion faith and disrespecting Islamic Law? Can you Please reply
to my kyle Please and thanks.

Inmate Committed Name (first middle last)

Hamza Jama

SID#

23052446

Housing Unit

G106B

Response/Action Taken:

PERIODIC Religious Services administrator:
Cooking pots and pans, serving platters, bowls and dishes, cooking and serving
utensils are properly sanitized for each meal. The plates,
bowls, cups, eating utensils and meal trays used by AIC's
are also properly cleaned and Sanitized for each meal.
Based on this, the Department does not accomodate a personal
tray, dishes or eating utensils.

I would add that I acknowledge that we ~~are~~ do cook
pork but all trays etc- are properly cleaned and Sanitized
after each use

Thank You

Date Received:

8/16

Referred To*:

Date Answered:

Signature of Staff Member:

MS Peel

*If forwarded, please notify the inmate

CD 214 (12/04)

EXHIBIT #6

OREGON DEPARTMENT OF CORRECTIONS
INMATE COMMUNICATION FORM

~~FROM~~ *to*
INSTITUTION: DRCT
INMATE NAME: Hamza Jama
SID #: 23052446
UNIT/BUNK: G106B
ADDRESS: _____

to From
NAME: ms. Peel
TITLE: Food Service manager
ADDRESS: DRCT

(Fold Here)

b. transcript



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: Mr. Ball Date: 08/24/2021

State your issue in detail: on 7/15/21 I have received a kyte back from you, you instated that "I should get word back within 2 weeks + I will let you know." How can I exercise my Constitutional right free exercise of my religion (muslim) as an observant muslim in adherence to Islamic teaching when I am being served unlawful food. Do you acknowledge that I have been dismissed out of hand and intentionally left in limbo waiting for an answer back from you in which it been more than a month. I understand you are different religion than I am and although as muslim knowing we don't have Imam in DRCT doesn't mean my religion has to be disrespected and discriminated in many ways. I really want to know whether I have been approved or denied to my religious dietary. I look forward to your reply please and
Thank you!

AIC Committed Name (first middle last)

SID#

Housing Unit

Hamza Jama23052446G106B

Response/Action Taken:

Good afternoon, Hamza.
First of all, I do apologize for the
reply taking so long. I did inquire in Salem
today about your Religious Accommodation Request.
I expect a reply back today or tomorrow.
Thank you for your patience,

Date Received: 8/25/21

Referred To*: _____

Date Answered: 8/31/21Signature of Staff Member: Chaplain Ball

If forwarded, please notify the AIC

CD 214 (02/2020)

EXHIBIT #7

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

INSTITUTION: DRCT
AIC NAME: Harza Jama
SID #: 23052446
UNIT/BUNK: G106B
ADDRESS: DRCT

FROM FOY

TO FROM:
NAME: Mr. Ball
TITLE: Chaplain
ADDRESS: DRCT

(Fold Here)

OREGON DEPARTMENT OF CORRECTIONS
INMATE COMMUNICATION FORM

TO: Chaplain Mr. Ball Date: 09/02/21

State your issue in detail: The Oregon Administrative Rule (OAR) - "Inmate may
Petition to have Religious Accommodation for meal from the
Facility Religious Coordinator." I am muslim in adherence to Islamic
teachings, my religion requires to eat Halal meal, Can you provide
me halal meal IF not can you Substitutes Alternative for Kosher.

Please and thank You

Inmate Committed Name (first middle last)

Hamza Jama

SID#

23052446

Housing Unit

G106B

Response/Action Taken:

Hamza,

You have already done everything you can do
to receive Halal / Kosher meals. You properly
filled out the two forms I gave you and
returned them to me. I sent those to Salem,
and as I told you yesterday in person, they have
changed who is supposed to review/approve/deny
those Religious Meal Requests & they never received
YOURS. So on 8/31/21 I re-sent it. Now we wait for a

Date Received: 9/3/21

Referred To*: Thank you for your patience,

Date Answered: 9/3/21

Signature of Staff Member:

Chaplain Ball

*If forwarded, please notify the inmate

CD 214 (12/04)

EXHIBIT #8

OREGON DEPARTMENT OF CORRECTIONS
INMATE COMMUNICATION FORM

INSTITUTION:

INMATE NAME:

SID #:

UNIT/BUNK:

ADDRESS:

FROM

DRCT

Hamza Jama

23052446

G10613

TO

NAME:

TITLE:

ADDRESS:

Mr. Ball

Chaplain

DRCT

(Fold Here)

Counselor called Chaplain Ball regards to my request (food)

8/31/21 at 10:05 AM

"reply back today or tomorrow"

Counselor called Chaplain Ball regards to my religious diet request

9/3/21 "Should hear or receive today after noon sometime"

at Around 8-9 AM

9/3/21 at 1:30 PM when went to Chaplain Ball In-Person

to his office "I haven't got anything yet stay patient"

he said let me look one more time due Email "nothing yet"

Chaplain Ball insisted that he talk to me In-Person

9/2/21 Thursday at Chapel which didn't took place.



Oregon

Kate Brown, Governor

Oregon Department of Corrections

Religious Services
OSCI Residence 3
3405 Deer Park Dr. SE
Salem, OR 97310

September 1, 2021

Jama, Hamza #23052446
Deer Ridge Correctional Institution
3920 East Ashwood Road
Madras, Oregon 97741

Dear Mr. Jama,

Your Religious Accommodation Request and Religious Diet request dated May 8, 2021 was received by our office on August 31, 2021 and have been read and reviewed. In your request, you ask for a Halal diet as a person of Muslim faith.

In answer to question #2 on the Religious Accommodation Request you state that you were born Muslim and have been practicing your faith your whole life however, a review of your canteen purchases shows that you have recently purchased items that do not conform to a Halal diet.

In consultation with an Imam, the meat alternative tray (veggie tray) or self-select from mainline will meet the dietary needs for a Muslim AIC. The Department of Corrections currently supports the dietary needs of its practicing Muslim men and women by making available a pork-free, meat alternative diet which includes fresh and cooked fruits and vegetables. This diet, including the manner in which the food is prepared and served, was developed by the Department to ensure that it would meet the religious dietary needs of Muslim AICs. The food is prepared and served in a manner that avoids contamination by not coming into contact with pork or alcohol, through the use of properly cleaned and sanitized cooking pots and pans, serving platters, bowls and dishes, cooking and serving utensils for each meal. The plates, bowls, cups, eating utensils and meal trays used by Muslim AICs to eat the food are also properly cleaned and sanitized for each meal.

The Imam also stated that Muslims do not eat kosher as there are additions or cooking methods (including alcohol) that are not allowed for Muslims. He confirmed that the veggie tray with self-select from mainline is the best option for a Muslim.

In addition to the pork-free meat alternative diet, the Eid al Adha feast is provided for Muslim AICs where we provide and serve Halal lamb. The Department has also made available pre-packaged Halal marked items for purchase through the facility commissary.

Sincerely,

A handwritten signature in black ink, appearing to read "Daryl Borello".

Daryl Borello
Administrator, Religious Services

cc: K. Ball, Chaplain
File

Exhibit # 9

NON-EMERGENCY HEALTH CARE REQUESTHamza Jama23052446G106B09/22/21

Name

State ID#

Housing

Date

Medications:

- ☐ I have not received my prescription
☐ My prescription is about to expire
☐ My prescription is not helping

Glasses

- ☐ Eye exam for glasses
☐ Repair

Vaccines

- ☐ Hepatitis A/B
☐ Flu
☐ Pneumonia
☐ Shingles
☐ HIV Test
☐ Hepatitis C Test

Other Function

- ☐ BP check
☐ Test result request
☐ Is my appointment still scheduled?
☒ Other issues – not sick:

Health Care request, issue, concern, or sickness:

I have sent few kites to this matter and I have not received the kites back to me. I have a medical problem. I can not eat Beans and Peanut butter because Beans and Peanut butter gives me extremely bad intestinal cramps and gas, gas discomfort that interferes with the state of "Purity and Cleanliness" as an observant Muslim adherence to Islamic teaching. It's hard for me to pray at Prayer time. Also when I consume too much of Peanut Butter not only gives me cramps and gas but I also become allergic to it. Can you please let Ms. Peel know about this matter and put my medical file.

Please, Thank You

RECEIVED
 9/28/21

We have taken the following actions in response to your health service request:

- ☒ You will be scheduled to see: ☐ Provider ☒ Nursing staff
- ☐ Your request has been forwarded to: ☐ Manager ☐ Optometry ☐ Support Services ☐ BHS
☐ Pharmacy Technician ☐ See attached health education handout

Additional Comments:

Responder's Signature: [Signature]

Date: 9/30/21



GRIEVANCE FORM

Name: Tama Hamza M 23052446 G106B
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: MR. Borello, Chaplain Ball

Please provide the date/time of incident giving rise to grievance: 9-16-21 4:45pm

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

I Received a denial for Halal/Kosher meal on above date/time.
My Claims are the same. I am denied Halal/or Kosher meals, for
no reason. MR. Borello states I have purchased items that
do not conform to halal diet. Yet did not photo copy my purchases
to show me. Also the Imam's statement that muslims do
not eat kosher because cooking methods to include Alcohol
are used- is irrelevant- D.O.C. has no Alcohol in their cooking
methods. Further, I have asked politely and applied for Halal
as well as kosher diet. The Imam, MR. Borello, and Chaplain
Ball are wrong to claim that muslims do not eat kosher
because it is well known that the court has ruled
that it is discriminatory to deny a muslim a kosher

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

09/28/21
 Date

[Signature]
 Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
Date Stamp

Accepted/Denied/RFC ACCEPTED OCT 04 2021 DRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Date Stamp



GRIEVANCE FORM

Name: Jama Hamza M 2302446 G106B
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: MR Borello, Chaplain Ball

Please provide the date/time of incident giving rise to grievance: 9-16-21 4:45pm

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

diet, and violates Constitutional Rights. (see Kambarov v. Bowser, et al., U.S. District Court case NO. 2:18-cv-00181-SB)

Further, to claim that the plates, bowls, cups, and eating utensils are clean without investigating - is ridiculous. Simply saying things don't mean they are factual. To deny me a Halal/kosher meal, question my faith, and disrespect my religion is not acceptable and must be addressed.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Halal / OR kosher meal.

09/28/21

Date

[Signature]
Signature

<p><u>Receiving Facility</u> (If not processing facility)</p> <p>Date Stamp</p>	<p><u>Received at Processing Facility</u></p> <p>Date Stamp</p>	<p><u>Accepted/Denied/RFC</u></p> <p>ACCEPTED</p> <p>OCT 04 2021</p> <p>DRCI GRIEVANCE OFFICE</p> <p>Date Stamp</p>	<p><u>Accepted/Denied/RFC</u></p> <p>Date Stamp</p>
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EXHIBIT #11



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: MS. Peel Date: 09/28/21State your issue in detail: HELLO

I respectfully want to ask you a question. We both know and understand that there are muslims who receive kosher in DRCT and across-D.O.C, is it true that cooking kosher includes "Alcohol"? If yes what is the alcohol used for?

Thank you so much and I look forward to your reply.

AIC Committed Name (first middle last)

Hamza Jama

SID#

23052446

Housing Unit

G106B

Response/Action Taken:

I am unaware of Alcohol being used to cook kosher. We receive the kosher meals pre-made in frozen state and microwave them -

Thank you
MS Peel

Date Received:

10/7

Referred To*:

Date Answered:

Signature of Staff Member:

*If forwarded, please notify the AIC

CD 214 (02/2020)

Exhibit # 12

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

INSTITUTION: DRCT
AIC NAME: Hamza Jara
SID #: 23052446
UNIT/BUNK: G106B
ADDRESS: _____

~~FROM~~ *to*

to Tom
NAME: MS. Peel
TITLE: Food service manager
ADDRESS: DRCT

(Fold Here)



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: MS. Peel Date: 09/30/21

State your issue in detail: Hello

I have sent a kyte to you (MS. Peel) and I haven't recieved it back. 09/12/21 at Lunch I witnessed a server handling Swine and touching/contaminating other food items. I notified Staff (MS. Aeshliman) as I am unable to consume Swine or any items contaminated by it do to my religious and dietary laws. This is a problem for me as a muslim so I thought my concerns would be mediated swiftly and they were not. As a matter fact they were not meet at all by MS. Aeshliman. She acknowledge me with a look and continue on as if I said nothing so I phisically and verbally pointed out the cross-contamination, she shook her head and walked away. The contamination continued on I promptly disgarded my tray I didnt eat. Although there were other witnesses instead of greiving her I wanted to let you know the matter (this is not the first)

Thank you soo much, I look forward to you reply Please.

AIC Committed Name (first middle last)

SID#

Housing Unit

Jama, Hamza

23052446

G106 B

Response/Action Taken:

Thank You for bringing this to my attention. I will remind my Staff to Not have anyone Serve Pork and additional items. They should only serve 1 item if it is Pork.

Thank You
ms Peel

Date Received:

10/7

Referred To*:

[Signature]

Date Answered:

Signature of Staff Member:

*If forwarded, please notify the AIC

CD 214 (02/2020)

EXHIBIT # 13

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

~~FROM~~ *to*

INSTITUTION: DRCT
AIC NAME: Tama, Hamza
SID #: 23052146
UNIT/BUNK: G106B
ADDRESS: _____

~~TO~~ *from*

NAME: Ms. Peel
TITLE: Food service manager
ADDRESS: DRCT

(Fold Here)

NON-EMERGENCY HEALTH CARE REQUEST

Hamza Jama 23052446 G106B 10/04/21
 Name State ID# Housing Date

Medications:

- ☐ I have not received my prescription
☐ My prescription is about to expire
☐ My prescription is not helping

Glasses

- ☐ Eye exam for glasses
☐ Repair

Vaccines

- ☐ Hepatitis A/B
☐ Flu
☐ Pneumonia
☐ Shingles
☐ HIV Test
☐ Hepatitis C Test

Other Function

- ☐ BP check
☐ Test result request
☐ Is my appointment still scheduled?
☒ Other issues – not sick:

Concern of
Medical Problem

Health Care request, issue, concern, or sickness:

on 10/04/21 around 8-8:30AM I spoke to a man from medical that I don't recall his name. I would send a kyle to medical with a concern of medical problem on 09/22/21. I spoke to nursing staff and I explained that I couldn't eat beans because beans get me to have extremely bad intestinal cramps and makes me also to have alot of gas in which I can not practice faith/Religion based needs. I was told by the nursing staff who I spoke by phone that I bought Beef Sausage from canteen how is that irrelevant to my concern. This is my concern I would like it to be addressed.

Please and Thank You

We have taken the following actions in response to your health service request:

- ☐ You will be scheduled to see: ☐ Provider ☐ Nursing staff
☐ Your request has been forwarded to: ☐ Manager ☐ Optometry ☐ Support Services ☐ BHS
☐ Pharmacy Technician ☐ See attached health education handout

Additional Comments: _____

Forwarded to dietitian

Responder's Signature: Afraz RN

Date: 10/5/21

Received

OCT 05 2021

DRCM
Health Services

Exhibit # 14

Oregon Department of Corrections

Progress Notes

DATE	TIME	PROB.#	
9/28/21	0900	1111	per provider appt as dH cond /ker 4.5
10/4/21	0810	1111	⑤ 1/2 gas/cramping & eating beans or peanut butter. Pt reports he is muslim and has no protein @ meals & religious + intolerance to alternate foods. However cartoon lost ✓ → Pt purchases sausage on a regular basis. @ HC seeking. ⑥ advised to choose foods that agree to his digestive system and religion. Called ms. Peal (Food Service mgr) & asked her to talk to a/c to review options for meals. Rtc prn. —
10/19/21	1145	1111	S "I asked for milk & magnesium. I haven't had a BM for 3 days - It happens sometimes -" D Pt reports e med refill line that he was expecting an Rx for MOM. Order filled on 10/18, but isn't available for pt today. Pt requests rx. VS: T 98.6 P 53 R 12/1/23 SAO2 96%. Abd soft, non-distended no severe pain. & NIV. Passing flatus. A dH elim. constipation. Per NP: MOM. Instructed re hydration and fiber intake as benefits & exercise. Rtc prn any concerns. Long-term rx should arrive soon. Agrees to rx. Denies questions. With child

Allergy _____

JAMA, HAMZA MAHAMMED

23052446

05/10/1994

Exhibit # 14



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: Murphy / canteenDate: 10-05-21State your issue in detail: Hello Murphy.

I have sent Kyles to you and they never came back to me.
it was instated that "The Department has also made available
Pre-packaged Halal marked Items for purchase through
The facility commissary"

AIC Committed Name (first middle last)

Jama, Hamza

SID#

23052446

Housing Unit

G106 B

Response/Action Taken:

Correct, all Halal items are marked on
the canteen sheet with an H. Hope this helps.
The only meat product marked for Halal is the T-bone steak.
No other meats

Date Received: 10/5/21

Referred To*: _____

Date Answered: 10/5/21

Signature of Staff Member:

M. Murphy

*If forwarded, please notify the AIC

CD 214 (02/2020)

Exhibit # 15
 Exhibit M

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

To
~~FROM~~

INSTITUTION: DRCI
AIC NAME: Jama, Hamza
SID #: 23052446
UNIT/BUNK: G106B
ADDRESS: _____

From
~~TO~~

NAME: Mr. Murphy
TITLE: Canteen/commissary
ADDRESS: DRCI

(Fold Here)



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: Mr. K. BALL

Date: 10-6-21

State your issue in detail: Hello Mr. Ball, Knowing that you are DRCT religious Coordinator/Chaplain I have question and concerns that needed to be answered. (1) it was stated that "the Eid al Adha Feast is Provided for muslim AICs where we provide and serve Halal lamb." Mr. Ball do you acknowledge that the Halal lamb was Prepared in cooking pots, pans, bowls, and utensils which is contaminated by Pork or Pork by-product according to the Islamic teaching, where it makes the lamb not Halal? (2) why you don't allow muslims AIC TO Prepare the Eid al Adha feast when cooking? (3) The month of Ramadan why DRCT "Service's" the muslim AIC's by providing them Pre-Packaged Turkey/Roasted Beef when it's not Halal meat? (4) Why we as an "muslim" don't have Imam at DRCT, if you were Searching for Imam what Place's have you looked into? I need These question's to be answered Please and thank You + Look

Forward to your reply

AIC Committed Name (first middle last)

Jama, Hamza

SID#

23052446

Housing Unit

G106B

Response/Action Taken:

Greetings, Hamza.

- (1) This issue was already answered by Ms. Peel + by Stuart Young, Asst. Administrator of Religious Services - see copy of your kyte to Ms Peel + her reply.
- (2) Ms. Peel says if you or other Muslim brothers work in the kitchen you will be allowed to cook the Eid al Adha meal.
- (3) Because the ODOC only provides Halal meat for Eid al Adha, not during Ramadan.

Date Received: 10/8/21

Referred To*:

Date Answered: 10/11/21

Signature of Staff Member:

If forwarded, please notify the AIC

- (4) I have exhausted all my resources to find an Imam. I called + emailed the Mosque in Corvallis + the Central Oregon Islamic community as well as Chaplain Jack Pahal.

Exhibit # 16

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

FROM TO

INSTITUTION: DRCT
AIC NAME: Jama, Hamza
SID #: 23052446
UNIT/BUNK: G106B
ADDRESS: _____

TO FROM

NAME: Mr. K. Ball
TITLE: Chaplain
ADDRESS: DRCT

(Fold Here)

OREGON DEPARTMENT OF CORRECTIONS
INMATE COMMUNICATION FORM

COPY

TO: MS. Peel

Date: 08/13/21

State your issue in detail: I have received a kyte from you on 7/22/21, you instated that "cooking Pots, Pans, bowls, utensils, Plate, dishes, cups, and all cook ware, Trays and Serving utensils are properly cleaned and Sanitized for each meal. All AIC Trays, cups, bowls, and spoons are also properly cleaned and Sanitized for each meal." knowing that you are Direct Food Service manager do you acknowledge, They come in contact by Pork or Pork by Product and are contaminated by Pork? As an observant muslim adherencer To Islamic teaching are you saying it's properly cleaned, Sanitized, and Pork free? Do you acknowledge that 7/28/21 muslim celebration [Eid Al Adha] Feast was Prepared in all these cook ware which is contaminated by Pork or Pork by Product, and clearly violation of my constitutional right free exercise of my religion faith and disrespecting Islamic Law? Can you Please reply to my kyte Please and thanks.

Inmate Committed Name (first middle last)

Hamza Tama

SID#

23052446

Housing Unit

G106B

Response/Action Taken:

PERIODIC Religious Services administrator: Cooking Pots and pans, serving platters, bowls and dishes, cooking and serving utensils are properly sanitized for each meal. The plates, bowls, cups, eating utensils and meal trays used by AIC's are also properly cleaned and sanitized for each meal. Based on this, the Department does not accommodate a personal tray, dishes or eating utensils.

I would add that I acknowledge that we ~~use~~ do Cook Pork but all trays etc - are properly cleaned and Sanitized after each use

Thank You

Date Received:

Referred To*:

Date Answered:

8/16

Signature of Staff Member:

MS Peel

*If forwarded, please notify the inmate

CD 214 (12/04)

Exhibit # 16



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: Mr. K. Ball Date: 10/07/2021

State your issue in detail: I recieved a kyte from you today at 4:16pm.
Although you Placed me on a Callout to see you on 10/15/21
at 8:30 am, the matter can be addressed by kyte. the Problem
that I have is, I can not eat Beans because "beans" gives me
extremely bad Intestinal cramps and gas, gas discomfort
that Interferes with the State of "Purity and Cleanliness"
as an observant muslim adherence to my Blamic teaching
It's Causes me hardship for me to Pray at prayertime. When the
DRC kitchen Serving Swine or meat with beans I would like
To have alternative Substitution. Can you Please report it as an
This Concern/Hardship/Burden

Please and Thank You

AIC Committed Name (first middle last)

Jama, Hamza

SID#

23052446

Housing Unit

6106B

Response/Action Taken:

Greetings, Hamza.I have reported your issue to Medical, to
Food Services and to Religious Services.

Date Received: _____ Referred To*: _____

Date Answered: _____ Signature of Staff Member: Chastina Boef

*If forwarded, please notify the AIC

OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

FROM

to:

INSTITUTION:

AIC NAME:

SID #:

UNIT/BUNK:

ADDRESS:

DRCT
Jama, Hamza
23053446
G106B

NAME:

TITLE:

ADDRESS:

to From:
K. Ball
Chaplain
DRCT

(Fold Here)



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: Mr. K. Ball Date: 10/14/21State your issue in detail: Hello ChaplainI have questions for you Mr. Ball that needs to be answer/addressed.

① This department DRC provides food that contains meat such as Turkey, roasted beef, and other meats etc, are these meats being provided to AIC Halal or Kosher?

② in the muslims Holy Month of Ramadan DRC provides muslim AIC's meats, Roasted beef and turkey with rotation throughout the fasting month, Meats that are contaminated by Pork or Pork by Products. Why are we as an muslims AIC being provided this meats that are not Halal or Kosher, Why are we being discriminated? I look forward to you answer please and thank you

AIC Committed Name (first middle last)

Jaime Hamza

SID#

23052446

Housing Unit

G106B

Response/Action Taken:

Greetings, Hamza.

① The meats you refer to are provided in accordance with ODOC's policy to provide Muslims with their dietary needs.

② There is no discrimination against Muslims. On the contrary, the Oregon Dept. of Corrections currently supports the dietary needs of its practicing Muslim men and women by making available a pork-free, meat alternative diet.

Date Received:

Referred To*:

Date Answered:

Signature of Staff Member:

Chaplain Ball

*If forwarded, please notify the AIC

CD 214 (02/2020)

Exhibit # 18

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

INSTITUTION:

AIC NAME:

SID #:

UNIT/BUNK:

ADDRESS:

FROM

TO:

DRCT

Hamza Jang

23052446

G106B

NAME:

TITLE:

ADDRESS:

Mr. K. Ball

Chaplain

DRCT

TO

From:

(Fold Here)



GRIEVANCE RESPONSE FORM

TO BE FILLED OUT BY STAFF

Grievance #: DRCM 2021 10 015

TO: Hamza Jama 23052446 GIIIA
Name of grievant SID #

FROM: K. Ball Chaplain
Name of respondent Title

List, in detail, action(s) taken. (What action was taken? Was the action what the AIC requested? If not, why? Who took the action? When was the action taken – date/time?)

Dear Mr. Jama,

Although you included my name in your Greivance DRCM_2021_10_015, I did not write the Religious Accommodation response letter you received concerning your request for a Halal /Kosher diet. This came from the Religious Services central administration.

The Oregon Department of Corrections currently supports the dietary needs of its practicing Muslim men and women by making available a pork-free, meat alternative diet which includes fresh and cooked fruits and vegetables. This diet, including the manner in which the food is prepared and served, was developed by the Department to ensure that it would meet the religious dietary needs of Muslim inmates. The food is prepared and served in a manner that avoids contamination by avoiding contact with pork or alcohol, through the use of properly cleaned and sanitized cooking pots and pans, serving platters, bowls and dishes, cooking and serving utensils for each meal.

Thank you for using the administrative process to address our concerns.

Chaplain Ball

Do not type past this line

10/29/2021

Date:

Chaplain K. Ball
Signature of Staff Member

Receiving Facility (if not processing facility)	Received at Processing Facility	Sent to AIC
	RECEIVED	SENT
	NOV 04 2021	NOV 04 2021
Date Stamp	DRCI GRIEVANCE OFFICE Date Stamp	DRCI GRIEVANCE OFFICE Date Stamp

S. Young SY
Signature of Supervisor (Print/Sign)

Distribution:
White (Original grievance response form)

CD117B (10/19)

Exhibit A 19



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: MS. PeelDate: 11/08/21State your issue in detail: Hello MS. Peel

Understanding there are muslims AIC's in this Department
DRCT/DAC who receive kosher, is it true that the kosher
being provided to muslim AIC's contains cooking method with
Alcohol?

The kosher that you are providing MS. Peel from
DRCT kitchen does it contains cooking method with Alcohol?

AIC Committed Name (first middle last)

Jama. Hamza

SID#

23052446

Housing Unit

G111A

Response/Action Taken:

I have received confirmation from the Supplier
of the kosher meals they do NOT contain alcohol.

Thank You
MS Peel

Date Received:

11/10/21

Referred To*:

Date Answered:

11/15/21

Signature of Staff Member:

*If forwarded, please notify the AIC

CD 214 (02/2020)

Exhibit # 20

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

FROM *to*

INSTITUTION: DRCT
AIC NAME: Jama, Hamza
SID #: 23052446
UNIT/BUNK: C111A
ADDRESS: _____

E-143

to From

NAME: MS. Peel
TITLE: Food Service manager
ADDRESS: DRCT

(Fold Here)

OREGON DEPARTMENT OF CORRECTIONS MISCONDUCT REPORT

CASE # _____

Name: Jama, Hamza SID# 23052446 Housing: G111A Assignment: N/A
 (Last First, MI)

ODOC Facility: DRCM Location of Violation: Dining Hall Date: 11/11/21 Time: 5:45PM

Charge(s) SELECT THE APPROPRIATE RULE(S)

2.15 Extortion I (Major)

Select One

Rule# Title of Rule

Rule# Title of Rule

2.10 Disrespect I (Major)

Select One

Rule# Title of Rule

Rule# Title of Rule

4.01 Disobedience of an Order I (Major)

Select One

Rule# Title of Rule

Rule# Title of Rule

Description of Violation (Explain how you discovered/learned the facts and who, what when, where, and how. Use continuation sheet if needed.):

On 11/11/2021, at approximately 5:45PM, I was assigned as the AB unit Support Officer. At this time, I was in the dining hall monitoring the dinner service when I noticed AIC Jama, Hamza SID #23052446 standing in line to drop off his meal tray at the scullery. I observed AIC Jama throw the whole tray and it's contents including his cup, in the trash bin. I went over to the trash bin and confirmed his meal tray was in the trash and had a kitchen worker retrieve the items from the trash bin. AIC Jama was near the exit of the dining hall when I stopped him and asked why he threw his meal tray in the trash. AIC Jama responded by saying "I was mad that I was just served pork". I then told AIC Jama that there were multiple signs on the dinner line that say there is pork in the meal. AIC Jama told me that it was against his religion to eat pork. I asked AIC Jama for his ID card (which he pulled out of his pocket instead of on his lanyard around his neck) and he responded by disrespectfully saying "I am going to grieve you if you cell me in". I reached for his ID card and told him "you gotta do what you gotta do" and "now you're celled in." AIC Hamza gave me his ID card and then left back to his housing unit. There was approximately 100 AIC's in the dining hall during this interaction. Upon further review, AIC Jama was placed in disciplinary segregation unit (DSU).

Disposition of Physical Evidence: N/AStaff Witnesses: N/AImmediate Action Taken: Placed in DSU

Submitted by: S. Vasquez [Signature] C/O Time: 6:57PM Date: 11/11/21
 Printed Name and Signature Title

Viewing Supervisor: L. Jones 14072 [Signature] Lieutenant Time: 7:25 PM Date: 11/11/21
 Printed Name and Signature Title

*****PLACED IN HOLDING STATUS*****

As Officer-in-Charge, I have reviewed the foregoing Misconduct Report and find that the rule violation(s) is/are of such a serious nature that the good order and security of the facility require immediate removal of the inmate and placement in segregation status because: Experience and practice has shown that AIC's directly involved in prohibited conduct and activity, creates a threat to the safety, security and orderly operation of the facility.

Placed in Segregation by: L. Jones 14072 [Signature] Lieutenant Time: 7:30 PM Date: 11/11/21
 Printed Name and Signature Title

Rehearing Segregation Approved: ☐ Denied: ☐ Release Ordered: _____
 Signature Title Time/Date

Copy Delivered by: J. Elliott [Signature] Corporal Time: 8:00pm/11-11-2021
 Printed Name and Signature Title

**INMATE
COPY
Exhibit # 21**

D215A

Oregon Department of Corrections

Disciplinary Hearing**Finding of Fact, Conclusion, and Order**

Offender Name:	Jama, Hamza	Case #:	2111 DRCM 0026 DRCM 17
SID:	23052446	Date(s) of Hearing:	11/22/2021

Rules Charged

2.15 - Extortion I
 2.10 - Disrespect I
 4.01 - Disobedience of an Order I

Plea
 None
 None
 None

Procedural Points

Documentation provided at the hearing indicated that the Adult in Custody (AIC) had been given a copy of the Misconduct Report, Notice of Hearing/ Rights and the Rules of Prohibited Conduct.

A desk audit of this misconduct report was conducted by the hearings officer on November 22, 2021.

Finding of Fact**Ultimate Findings of Fact and Conclusions**

Rule 2.15, Extortion I; Rule 2.10, Disrespect I; and Rule 4.01, Disobedience of an Order I; are dismissed due to insufficient evidence. An AIC has the right to grievance.

Preliminary Order

Rule	Charge
Extortion I	Dismissed

Disrespect I	Dismissed
--------------	-----------

Exhibit # 21

Oregon Department of Corrections
Disciplinary Hearing
Finding of Fact, Conclusion, and Order

Offender Name:	Jama, Hamza	Case #:	2111 DRCM 0026 DRCM 17
SID:	23052446	Date(s) of Hearing:	11/22/2021
Rule	Charge		
Disobedience of an Order I	Dismissed		

Hearing Officer:
Functional Unit Manager:

Capps, Joe E

Date: 11/22/2021

Date: 11/29/21

Final Order:



Approved



Order Hearing Reopened



Amended per below

Exhibit # 21



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: MS. Peel Date: 11/18/21

State your issue in detail: Knowing that I can not eat beans are you saying
that Dietitian denied me not to be provided other Substitution
Alternative beside beans, and that is what Dietitian told you
Please provide me the denial regards to "Beans".
I look forward to your reply.

Please and Thank You

AIC Committed Name (first middle last)	SID#	Housing Unit
<u>Jama, Hamza</u>	<u>73052446</u>	<u>E149</u>

Response/Action Taken: our Protein Substitute is beans. We have
no documentation from medical stating you can not eat
beans therefore you will need to self-select like all
other AIC's who are not on special diets. This is our
Policy as I have explained to you previously.

Thank You
MS. Peel

Date Received: 11/22/21 Referred To*: _____Date Answered: 11/22/21 Signature of Staff Member: [Signature]

*If forwarded, please notify the AIC

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

~~FROM~~ to
INSTITUTION: DRCT
AIC NAME: Jama Hamza
SID #: 23052446
UNIT/BUNK: E149
ADDRESS: D215A

to ~~from~~
NAME: MS. Peel
TITLE: Food Service manager
ADDRESS: DRCT

(Fold Here)



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: K. BallDate: 11/18/21State your issue in detail: Hello Chaplain

Mr. Ball knowing that me and Rashid kambarou are both muslim how so that I have been denied kosher when Rashid kambarou is being provided? Isn't that I am black and he is not or are you saying am not muslim?

I look forward to your reply

Please and Thank You

AIC Committed Name (first middle last)

Jama, Hamza

SID#

23052446

Housing Unit

E149

Response/Action Taken:

Greetings, Hamza.

Not at all. The decision to deny your request for Jewish kosher Diet was not based upon race. No one is doubting that you are a Muslim either. I just re-read the denial letter which you received from Daryl Borello. It appears that his reasons include your canteen purchases and the Imam's clear statement about the adequacy of what the ODOC offers to Muslims through non-meet trays, self-selection and some canteen items. I cannot comment to you on any other AIC's

Date Received:

Referred To*:

Date Answered:

Signature of Staff Member:

If forwarded, please notify the AIC

Chaplain Ball

CIP 214 (02/2020)

diet - only yours. There is no discrimination, however. I am sorry that this is difficult for you.

Exhibit # 23

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

FROM TO:

INSTITUTION: DRCT
AIC NAME: Jama, Horn29
SID #: 23052446
UNIT/BUNK: E149
ADDRESS: _____

0215A

NAME: K. Ball
TITLE: Chaplan
ADDRESS: DRCT

TO From:

(Fold Here)



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

TO: MS. Peel Date: 11/11/21State your issue in detail: When meal contains Pork there are signs to Post that determine which item has Pork/swine is that correct?

on 11/11/21 at dinner time there was a posted sign that said "Meal contains Pork", It means that the whole line contains Pork/swine because the sign does not say which item that contain Pork/swine. So MS. Peel would you agree that the sign was the wrong sign?

How do you plan to solve this situation from happening again? I look forward to your reply I really appreciate

Please and thank you!

AIC Committed Name (first middle last)	SID#	Housing Unit
<u>Jama, Hamza</u>	<u>23052446</u>	<u>E149</u>

Response/Action Taken: We are not required to post signs about Pork or any other food item. We do try to Post signs as a courtesy but it is not required. AIC's self select and if you are not sure by reading the menu what has Pork and what does not you can always ask us. Typically if we do Post a sign stating meal contains Pork it would be the entire but to be sure it is best to ask or read the menu. Thank you ms Peel

Date Received: 11/29 Referred To*: _____

Date Answered: _____ Signature of Staff Member: _____

*If forwarded, please notify the AIC

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

FROM

to

INSTITUTION:

DRCT

AIC NAME:

Jama, Hamza

SID #:

23052446

UNIT/BUNK:

E449

D 215A

ADDRESS:

NAME:

MS. Peel

TITLE:

Food Service Manager

ADDRESS:

DRCT

(Fold Here)

GRIEVANCE APPEAL FORM

Name: Jama Hamza M 23052446 D-215A
 Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

I recieved a greivance response concerning my request for a Halal/Kosher diet. I am replying to this response late, because I was in Disciplinary Segregation (DSU). My claims are the same. Mr. Borella states that, "The Oregon department of correction supports the dietary needs of it's practicing muslim men and women by making available a Pork-free, meat alternative diet which includes fresh and cooked fruits and vegetables... and served in a manner that avoids contamination by avoiding contact with pork or alcohol." I disagree with Mr. Borella statement for multiple reasons because it's not accurate to the facts. 1) I am not a vegetarian person. 2) The two leading source of Islamic teaching in all areas of the Qur'an and Hadith it's clear that the Prophet Mohammed (PBUH) and his immediate followers were

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

12/01/2021

Date

[Signature]
Signature

<p><u>Receiving Facility</u> (If not processing facility)</p> <p>Date Stamp</p>	<p><u>Received at Processing Facility</u></p> <p>RECEIVED</p> <p>DEC 02 2021</p> <p>DRCI GRIEVANCE OFFICE Date Stamp</p>	<p><u>Accepted/Denied/RFC</u></p> <p>ACCEPTED</p> <p>DEC 02 2021</p> <p>DRCI GRIEVANCE OFFICE Date Stamp</p>	<p><u>Accepted/Denied/RFC</u></p> <p>Date Stamp</p>
---	--	--	---

GRIEVANCE APPEAL FORM

Name: Jama Hamza M 23057446 D-215A
 Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

Not Vegetarian. 3) AS an observant Muslim in adherence to Islamic teaching the Pork-free meat alternative/Veggie tray does not meet the Muslim Standard for Purified and Cleanliness. The Pots, Pans, Serving Platters, bowls, dishes, utensils, all cook wares, etc are contaminated by Pork or Pork by-product, have come into contact with Pork or Pork by-product, and that have not been purified as prescribed under the Islamic Law. 4) I have been denied access to Halal, everyday I have the burden of choosing between my nutritional needs and religious requirement because I am intentionally being provided with unlawful (under Islamic Law) food that is contaminated with Pork and Pork by-product. This constitutes a violation of my Constitutional Rights, First Amendment, Fourteenth Amendment, as well as my right under

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

12/01/2021
Date

[Signature]
Signature

Receiving Facility
(If not processing facility)

Date Stamp

Received at Processing Facility

RECEIVED

DEC 02 2021

DRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC

ACCEPTED

DEC 06 2021

DRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC

Date Stamp

GRIEVANCE APPEAL FORM

Name: Jama Hamza M 23052446 D-215A
 Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

RLUIPA (The Religious Land use and Institutional Person
Act, 42 U.S.C 2000cc et. seq.) RLUIPA states: "No
Government shall impose a substantial burden on the religious
exercise of a person residing in or confined to an institution
even if the burden results from a rule of general
applicability."

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

Provide me a Halal/Kosher meal with Halal meat

12/01/2021
 Date

[Signature]
 Signature

<p><u>Receiving Facility</u> (If not processing facility)</p> <p>Date Stamp</p>	<p><u>Received at Processing Facility</u></p> <p>RECEIVED</p> <p>DEC 02 2021</p> <p>DRCI GRIEVANCE OFFICE</p> <p>Date Stamp</p>	<p><u>Accepted/Denied/RFC</u></p> <p>ACCEPTED</p> <p>DEC 06 2021</p> <p>DRCI GRIEVANCE OFFICE</p> <p>Date Stamp</p>	<p><u>Accepted/Denied/RFC</u></p> <p>Date Stamp</p>
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D215A



Oregon

Kate Brown, Governor

Oregon Department of Corrections

Religious Services
OSCI Residence 3
3405 Deer Park Dr. SE
Salem, OR 97310
Phone: 503-378-2534
Fax: 503-378-2648

December 10, 2021



AIC Hamaz, Jama, SID #23052446
Deer Ridge Correctional Institution
3920 East Ashwood
Madras, OR 97741

Dear AIC Jama,

This letter is in response to your Initial Grievance Appeal, #DRCM_2021_10_015A, in which you disagree with Chaplain Ball's response concerning your request for a kosher or halal diet.

I have reviewed your appeal, as well as all prior documentation relating to this grievance. In your grievance, you claim you are not a vegetarian and are being denied halal food. According to the DOC Dietitian, on the current menu pork entrée can be served two times per week. There are twenty-one (21) meals per week. You may self-select from the mainline meals which include chicken, fish, etc. According to our Imam volunteer, chicken and fish are naturally or processed halal. A review of your recent canteen purchases shows you routinely order non-halal beef products so you may also select the beef entrees. In consultation with an Imam, the meat alternative tray (veggie tray) or self-select from mainline will meet the dietary needs for a Muslim AIC.

You claim the cooking, serving, and eating wares are contaminated by pork. The food is prepared and served in a manner that avoids contamination by not coming into contact with pork or alcohol, through the use of properly cleaned and sanitized cooking pots and pans, serving platters, bowls and dishes, cooking and serving utensils for each meal. The plates, bowls, cups, eating utensils and meal trays to eat the food are also properly cleaned and sanitized for each meal.

You have not provided any additional information in this appeal that would warrant a response other than that which you have already received.

Thank you for addressing your concerns appropriately.

Sincerely,

Stuart Young
Assistant Administrator

cc: J. Ybarra, Grievance Coordinator

SENT

DEC 14 2021

DRCI GRIEVANCE OFFICE

Exhibit #26

OREGON DEPARTMENT OF CORRECTIONS

INMATE COMMUNICATION FORM

TO: MS. PeelDate: 12/16/21

State your issue in detail: MS. Peel Since you are the Food Service Manager does DRCI have a kosher or halal Kitchen? I look forward to your reply

Please and Thank you

Inmate Committed Name (first middle last)

SID#

Housing Unit

Jama Ham 2923052446D-215A

Response/Action Taken:

AS previously Answered No we do not have a kosher or halal kitchen.

Thank You
ms Peel

Date Received:

12/20

Referred To*:

Date Answered:

12/21

Signature of Staff Member:



*If forwarded, please notify the inmate

OREGON DEPARTMENT OF CORRECTIONS
INMATE COMMUNICATION FORM

FROM

72

INSTITUTION: DRCI
INMATE NAME: Jama, Hamza
SID #: 23052446
UNIT/BUNK: D-215A
ADDRESS: _____

TO

72

NAME: MS. Peel
TITLE: Food Service Manager
ADDRESS: DRCI

(Fold Here)

GRIEVANCE APPEAL FORM

Name: Jama Hamza M 23052446 D-215A
 Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

I have provided additional information at first to my grievance appeal but it was denied. I was told to take out some of the writing and the documentation from the appeal when I did that my appeal was accepted. My claims are the same. Mr. Stuart Young states that, "According to the DRC Dietitian on the current menu Pork entrée can be served two times per week. . . . Properly cleaned and sanitized for each meal." I disagree with Mr. Stuart Young statement for multiple reasons because it's false. 1) DRCI does not have Halal or Kosher kitchen. 2) I can not eat Pork-free, meat alternative (veggie tray) and a regular tray are contaminated with Pork and Pork by-product because if they were not contaminated cooking kosher would be prepared here in DRCI instead of purchasing kosher from suppliers. 3) Mr. Stuart Young states my canteen purchases shows I routinely order non-halal beef products. Yet did not photo copy my purchases to show me. 4) The Imam statement that chicken

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

12/23/21

Date

[Signature]
 Signature

Receiving Facility
 (If not processing facility)

Date Stamp

Received at Processing Facility

RECEIVED

DEC 29 2021

DRCI GRIEVANCE OFFICE
 Date Stamp

Accepted/Denied/RFC

ACCEPTED

JAN 04 2022

DRCI GRIEVANCE OFFICE
 Date Stamp

Accepted/Denied/RFC

Date Stamp

GRIEVANCE APPEAL FORM

Name: Tama Hamza M 23052446 D-215A
 Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

IS Naturally or Processed halal IS False and ridiculous because DRCT
Meats are not Kosher or halal. 5) The cooking Pots, Pans, Serving
Platters, bowls and dishes, Plates, Cups, meal trays, Cooking and Serving
Utensils are contaminated and does not meet the Standard of religious requirement
because they have not been Purified as Prescribed by the Islamic law.
Sanitization is not sufficient on itself to meet the religious standard of
Purification. The meal trays are all washed and cleaned in the same wash tubs.
This defiles not only the water but the wash tubs itself. In meal time the same
trays are used more than five times a day even if the trays were cleaned and
sanitized properly they would still be defiled until after Sunset. Mr. Stuart
Young you are intentionally Providing me unlawful food that is contaminated.
This constitutes a Violation of my Constitutional Rights, First Amendment,
Fourteenth Amendment, as well as my right under RLUIPA (The Religious Land Use

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

12/23/21
 Date

[Signature]
 Signature

Receiving Facility (If not processing facility) Date Stamp	Received at Processing Facility RECEIVED JAN 29 2021 DRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC ACCEPTED JAN 04 2022 DRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC Date Stamp
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GRIEVANCE APPEAL FORM

Name: Jama Hamza M 23052446 D-215A
 Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

and Institutional Person Act, 42 U.S.C. 2000c et. seq. (see Roman Lee Jones v. Commissioner, Indiana D.O.C., U.S. District Court Southern District of Indiana Indianapolis Division Cause No. 1:16-cv-2887-WTL-MSD)
"The defendant's refusal to provide Jones with a meat-based diet that meets the requirements of Jones's religious beliefs violates Jones's rights under RLUIPA. Based on Jones's testimony, meals that include kosher meat meets his religious requirements. Accordingly, the Court will enter an injunction requiring the defendant to provide Jones with meals that provide halal or kosher meat on a regular basis. The pre-packaged kosher trays served to inmates at prisons that do not have a kosher kitchen would, according to the evidence presented to the Court, satisfy the requirement of Jones's religious beliefs. Jones's request for declaratory and injunctive relief is GRANTED and the court will enter Judgment in Jones's favor." Hon. William T. Lawrence, Judge

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

Provide me a Halal or kosher meal with Halal meat Please
and thank you.

12/23/21

Date

[Signature]
 Signature

Receiving Facility
 (If not processing facility)

Date Stamp

Received at Processing Facility

RECEIVED

DEC 29 2021

DRCI GRIEVANCE OFFICE
 Date Stamp

Accepted/Denied/RFC

ACCEPTED

JAN 04 2022

DRCI GRIEVANCE OFFICE
 Date Stamp

Accepted/Denied/RFC

Date Stamp



Oregon Department of Corrections (ODOC)

DRCI Minimum

Discrimination Complaint - Denied

To: Jama, Hamza
From: Ybarra, J

SID #: 23052446
Date: 01/25/2022

Cell: DRCM:D215A

Re: Discrimination# DRCM_2022_01_051

The discrimination complaint you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #006 (Discrimination Complaints) for the following reason(s):

A discrimination complaint must include a complete description of the incident, action, or application of rule that directly impacted the submitting AIC and how the AIC believes it has subjected them to discrimination on the basis of race, color, national origin, religion, gender, sex, sexual orientation, marital status, age, disability, or familial status. Your complaint lacks information to support your claim

If you have any questions regarding your discrimination complaint, please refer to the Department of Corrections Administrative Rule "Discrimination Complaints" tab #006 located in the legal library or kyte your institution Discrimination Complaint Coordinator.

DISCRIMINATION COMPLAINT FORM

Name: Tama Hamza M 23052446 D-215-A
 Last First Initial SID# Cell/Block/Bunk #

Please provide the date, time, and location of incident giving rise to your complaint: 01/18/2022 @ 4:40 PM

Person(s) Involved: K. Ball (Chaplain)

Witnesses: Daryl Borello Stuart Young

Describe your complaint in detail, including a description of the time, place, and location of the incident or issue your complaint concerns. Include copies of any relevant documents or materials that support your complaint, along with the names of any persons you think should be questioned.

This complaint is against Mr. Ball who is the DRCI Chaplain. Mr. Ball have discriminated me, disrespect my religion, Question my faith, and denied my request for Halal/Kosher based on a consulting Imam opinion which is not appropriate not substituted. I have asked Mr. Ball Multiple times Politely and Respectfully to provide me this Imam Contact Information were he denied to provide me the information. This shows that he is with holding information and he knows that he (Mr. Ball) is Violating/Violating Legal Rights. A Imam who follows the Quran and the Hadith will not agree to these terms, which means he was given false Statement. Mr. Ball you continue to Violate my Legal Rights and I hold you accountable for it

Describe what action you want taken to resolve your complaint. (How can the problem be solved?)

To provide me the Imam Contact Information

01/24/2022

Date

Signature

Receiving Facility
(If not processing facility)

Date Stamp

Received at Processing Facility

RECEIVED

JAN 25 2022

DRCI GRIEVANCE OFFICE

Date Stamp

Accepted/Denied/RFC

Date Stamp

Accepted/Denied/RFC

Date Stamp



Oregon

Kate Brown, Governor

Department of Corrections
Operations Division
2575 Center Street NE
Salem, OR 97301-4667
Voice: 503-945-0950
Fax: 503-945-7178



March 3, 2022

AIC Hamza Jama, SID #23052446
Deer Ridge Correctional Institution
3920 East Ashwood Rd
Madras, OR 97741

Dear AIC Jama,

This letter is in response to your Final Grievance Appeal, #DRCM_2021-10-015AA, in which you Disagree with Mr. S. Young's response concerning your request for a kosher meal or halal diet.

I have reviewed your appeal, and I concur with the response you received from Mr. Young. DOC currently offers a meat alternative option, a self-select mainline option and our volunteer Imam has reviewed our food options that are acceptable under a halal diet and is satisfied that option is available to AICs also. There are also several options available through the commissary that meet the diet standards you are seeking. Regarding the preparation of DOC kosher meals, this process is inspected and reviewed periodically and according to local and statewide religious leaders, DOCs process of preparing kosher food meets kosher cultural and religious standards. Please refer to Mr. Young's response on more about that. You have not provided any additional information in this appeal that would warrant a response other than that which you have already received.

Thank you for addressing your concerns appropriately. This concludes the grievance review process for this matter.

Sincerely,

Daryl Borello
Religious Services Administrator

cc: K. Raths, Asst. Director of Correctional Services
K. Ball, DRCM Chaplain
DRCM Grievance Coordinator
File

SENT

MAR 03 2022

DRCI GRIEVANCE OFFICE

Encl. # 30



Oregon Department of Corrections (ODOC)

DRCI Minimum Grievance - Denied

To: Jama, Hamza
From: Ybarra, J

SID #: 23052446
Date: 03/21/2022

Cell: DRCM:D215A

Re: Non-Medical# DRCM_2022_03_031

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

Your grievance has not demonstrated how it qualifies under 291-109-0210. You have not demonstrated misapplication of departmental policies, rules, or other directives, unprofessional actions of department employees, volunteers, or contractors, inadequate medical or mental health treatment, sexual abuse or sexual harassment or excessive use of force by department employees.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance/Discrimination Complaint Coordinator.

Exhibit #31



Official Use Only

Resubmit

GRIEVANCE FORM

Name: Imma Hamza m 23052446 D-215A
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: MS. Peel

Please provide the date/time of incident giving rise to grievance: 03/03/2022 @ 6:25PM

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

has pork or not. This is a substantial burden to me
because of my religious belief. This is complete intentional,
discriminative, and violation to my religious belief. When I
come to eat a meal out of sheer of hunger it's hard for me
to eat because of not knowing what's in the meal. To
state that "we are not required to notified whether meal
contains pork /pork-by product or not" is a problem for
me and must be addressed.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

1) It's discriminative and violation to my belief
* To state a document that this will not happen again.
* To educate your coordinator about Contamination -

03/15/2022
 Date

[Signature]
 Signature

<p><u>Receiving Facility</u> (If not processing facility)</p> <p>Date Stamp</p>	<p><u>Received at Processing Facility</u></p> <p>RECEIVED</p> <p>1 121 2022</p> <p>DRCI GRIEVANCE OFFICE</p> <p>Date Stamp</p>	<p><u>Accepted/Denied/RFC</u></p> <p>Date Stamp</p>	<p><u>Accepted/Denied/RFC</u></p> <p>Date Stamp</p>
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GRIEVANCE FORM

Name: Jama Hanna M 23052446 D-215A
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: MS. Peel

Please provide the date/time of incident giving rise to grievance: 03/03/2022 @ 6:25PM

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

This complain is against MS. Peel who is the food service manager in DRCI. At the given date and time above I was provided a food that contained Pork Product. I went to dinner at the Dining Hall as I saw a posted sign that states "meal contains pork". The posted sign "meal contains pork" was the wrong labeled sign because the sign does not specify or determines which items are contained pork or pork by-product. As I eat the dessert which was bakers choice I was notified by another AIC that the cake had Gelatin. I went to the coordinator and I asked if the baker choice cake had gelatin the coordinator stated "Yes". I ask why there is no sign that said this product contains pork product. MS. Aeshliman responded that "we are not required to notified you weather the item

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

03/15/2022
Date

[Signature]
Signature

Receiving Facility (If not processing facility) Date Stamp	Received at Processing Facility RECEIVED <u>1 21 2022</u> DRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC Date Stamp	Accepted/Denied/RFC Date Stamp
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Oregon

Kate Brown, Governor

Department of Administrative Services

Enterprise Goods & Services

Risk Management

PO Box 12009

Salem, OR 97309-0009

Telephone: 503-373-7475

Fax: 503-373-7337

March 22, 2022

HAMZA JAMA, SID #23052446

DRCI

3920 E ASHWOOD RD

MADRAS, OREGON 97741

Claim Number: L18169001
Date of Loss: 9/16/2021
Re: Acknowledgement

Dear Hamza Jama,

We have received your notice of claim. It has been referred to this unit for handling.

We are currently conducting a review through the Oregon Department Of Corrections (ODOC).
We will contact you when it is completed.

You will not hear from us again until the review is complete.

Respectfully,

Custody Claims Unit

Exhibit #32



Oregon

Kate Brown, Governor

Department of Administrative Services

Enterprise Goods & Services

Risk Management

PO Box 12009

Salem, OR 97309-0009

Telephone: 503-373-7475

Fax: 503-373-7337

May 3, 2022

HAMZA JAMA | SID# 23052446

DRCI

3920 E ASHWOOD RD

MADRAS OREGON 97741

Claimant: Hamza Jama
Claim Number: L18169001
Date of Loss: 9/16/2021
Re: Denial

Dear Hamza Jama,

We have reviewed your tort claim against the Oregon Department of Corrections (ODOC) with management level staff from ODOC Religious Services.

Based on the records reviewed, we do not find negligence on the part of the State of Oregon/Oregon Department of Corrections, its officers, agents, or employees and we must respectfully deny your claim against ODOC Religious Services and their staff.

With this notice of denial this ends the review process through our office and we will be closing our file.

Respectfully,

Custody Claims Unit

6-21-23



Oregon Department of Corrections (ODOC)

DRCI Minimum Grievance - Denied

To: Jama, Hamza
From: Ybarra, J

SID #: 23052446
Date: 02/22/2023

Cell: DRCM:G108B

Re: Medical# DRCM_2023_02_033

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

Your grievance has not demonstrated how it qualifies under 291-109-0210. You have not demonstrated misapplication of departmental policies, rules, or other directives, unprofessional actions of department employees, volunteers, or contractors, inadequate medical or mental health treatment, sexual abuse or sexual harassment or excessive use of force by department employees.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance/Discrimination Complaint Coordinator.



Official Use Only

Resubmit

GRIEVANCE FORM

Name: Jama Hamza M 23052446 G108B
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: The Entire DRCT medical department

Please provide the date/time of incident giving rise to grievance: 2/18/2023

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

This grievance complaint is against the entire medical department for inadequate medical treatment. It is important to read the entire grievance complaint to understand why I am grieving the entire medical department. I am grieving the entire medical department for the following reasons: 1) For medical to denied me my constitutional rights by their failure to provide me adequately Nutritionally Balanced meal. 2) For medical failure to provide me alternative substitute Protein safeguard against/From "beans and Peanut Butter." 3) For medical refusal to document my health problems and deprive me from getting Protein when meal time. 4) I have been seeking in verbally and in writing to medical about 2 years concerning my health problem, and have gone in circles and getting the same old run-around. I can not eat beans because "beans" give me extremely bad

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

1) To not provide me Beans and Peanut butter,

2/18/2023
Date

[Signature]
Signature

<p><u>Receiving Facility</u> (If not processing facility)</p> <p>Date Stamp</p>	<p><u>Received at Processing Facility</u></p> <p>RECEIVED</p> <p>FEB 22 2023</p> <p>DRCI GRIEVANCE OFFICE Date Stamp</p>	<p><u>Accepted/Denied/RFC</u></p> <p>DENIED</p> <p>FEB 22 2023</p> <p>DRCI GRIEVANCE OFFICE Date Stamp</p>	<p><u>Accepted/Denied/RFC</u></p> <p>Date Stamp</p>
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GRIEVANCE FORM

Name: Jama Hamza m 23052446 G10813
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: The Entire DRC medical department

Please provide the date/time of incident giving rise to grievance: 2/18/2023

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

Intestinal cramps and gas discomfort that interferes with my religious practice when it comes to praying (salat). 5) I was told by both NP, MR. Battle and NP, MR. Beamer to avoid eating those food but yet failed to provide me alternative substitute. 6) I have asked NP, Battle and NP, MR. Beamer that I want this to be documented on my medical record that I am allergic/adversely effected by beans and Peanut butter and to provide me meal that don't cause me Pain and Harsnip and was told to avoid them without any other protein being provide "Self Select". This is clear deprivation and constitutes violation of my First (1) & Eight (8th) Amendment rights in the U.S. Constitution and as well as my rights under RLUIPA. This is unacceptable and must be addressed.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

2) To provide me alternative substitution protein from beans and Peanut butter otherwise it seems DRC medical is content to have me suffer without significant reasonable doubt.

2/18/2023
Date

[Signature]
Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED
FEB 22 2023
DRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
DENIED
FEB 22 2023
DRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Date Stamp